

Federal Register

Wednesday
April 29, 1981

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24128 Justice/INS/DEA/CRD/PARCOM (4 documents)
24129,
24131,
23955 PADC

Regulatory Flexibility Agendas

- 24092 NRC
23942 SEC
- 23923 **Export** Commerce/ITA publishes termination of embargo on the export of Agricultural Commodities and Phosphatic Materials to the U.S.S.R. and Afghanistan.
- 24060 **Postal Service** PRC gives notice of U.S. Postal Service's filing of a request for a recommended decision on establishing ZIP plus 4 subclasses for first-class letters and cards.
- 23925 **Veterans** VA amends regulation concerning persons who shall be included as having served on active duty. The effect of this action is to confer veteran status for Veterans' Administration benefit purposes on former members of these groups who were discharged under honorable conditions.

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Questions and requests for specific information may be directed to the telephone numbers listed under INFORMATION AND ASSISTANCE in the READER AIDS section of this issue.

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- 23950 Energy** DOE/FERC proposes to eliminate the 31 metropolitan areas as incremental pricing regions.
- 23940 "Small Entities"** CFTC proposes establishment of definitions of "Small Entities" for purposes of the Regulatory Flexibility Act.
- 23939 Debts** GAO proposes an amendment requiring agencies to extend to debtors an opportunity for a pre-offset oral hearing when a question of indebtedness cannot be resolved by review of documentary evidence and issues of credibility or veracity exist.
- 23925 Veterans** VA publishes regulations providing that no Federal benefits shall be payable to a person who enlists in the armed forces and who fails to complete at least 24 months of the person's term of enlistment.
- 24046 Grant Programs—Arson** Justice/NIJ announces competitive research grant to study arson adjudication in the United States. The grant will be awarded for up to 21 months and for not more than \$300,000.
- 23952 Pollution** Treasury/CS proposes to amend regulations relating to illegal discharge of oil and the pollution of coastal and navigable waters by the deposit of refuse matter or hazardous substances.
- 23947 Energy** DOE/FERC proposes adoption of single-tier alternative fuel price ceiling.
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- 23929 Endangered and Threatened Wildlife** Interior/FWS publishes regulation permitting commercial importation of red, eastern gray and western gray kangaroos, and their parts and products.

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- 23967 Defense**
- 24071 Sunshine Act Meetings**

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- 24096 Part III, Commerce/Sec'y**
- 24128 Part IV, Justice/INS/DEA/CRD/PARCOM**
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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

Fee Schedule; Aerial Photographic Reproductions

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: The fee schedule is amended to show price changes in aerial photographic reproductions. The increased fee changes are necessary to offset increased production costs.

EFFECTIVE DATE: April 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Don Widener, Fiscal Policy and Management Division, Office of Operations and Finance, USDA, Washington, D.C. 20250, (202) 755-1246.

SUPPLEMENTARY INFORMATION:

This final rule has been reviewed under USDA procedures established in Secretary's Memorandum 1955 and has been determined to be exempt from those requirements. Dean K. Crowther, Director of the Office of Operations and Finance made this determination because this action is an agency management decision required to assure recovery of increased production costs. As an agency management action, this document is exempt from Executive Order 12291 and from the President's January 29, 1981, memorandum, "Postponement of Pending Regulations". This action is also not a rule as defined by P.L. 96-354, the Regulatory Flexibility Act; consequently it is exempt from the provisions of that Act. Further, since this final rule relates to agency management, pursuant to 5 USC-553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good

cause is found for making this rule effective less than 30 days after publication in the Federal Register.

Accordingly, Appendix A of 7 CFR Part 1 (Subpart A) is amended as set forth below:

Sec. 16, paragraph c.2. is revised, the introductory text and table to Sec. 16, paragraph c.5. is revised, the introductory text and the text of the second table to Sec. 16, paragraph c.7. is revised; and Sec. 16, paragraph c.8. is revised as follows:

Appendix A—Fee Schedule

		Price each
Sec. 16. Photographic Reproduction Prices.		
c. Aerial photographic reproductions: black and white.		
1. Contact prints.		
2. Dispositives.		
Size:		
10 by 10 in film positive		3.00

5. Enlargements (projection prints). The price for enlargements of various sizes are set forth below. The size in each case refers to the approximate paper size required to produce the enlargement ordered.

Size	Price each	
	RC (resin coated base) paper	Film positive transparency
12 by 12 in	\$6.00	10.00
17 by 17 in	7.00	12.00
24 by 24 in	8.00	
38 by 38 in	25.00	30.00
24 by 36 in (ozalids)	4.00	N/A

6. Aperture cards (photo indexes).

7. Color aerial photography. Furnished only by the Agricultural Stabilization and Conservation Service, Aerial Photography Field Office in Salt Lake City, Utah.

Reproduction made from color positive transparencies (natural color or color infrared):

Size	Price each	
	White opaque base color print film	Color film positive transparency
12 by 12 in	\$20.00	
17 by 17 in	35.00	N/A

Price each

White opaque base color print film

Color film positive transparency

24 by 24 in	35.00
38 by 38 in	\$60.00

8. Special need. For special needs not covered above, persons desiring aerial photographic reproductions should contact the agencies listed in section 10a or the departmental aerial photography coordinator, Aerial Photography Field Office, USDA-ASCS, 2222 West 2300 South, P.O. Box 30010, Salt Lake City, Utah 84130.

(5 U.S.C. 301 and 552; 31 U.S.C. 483a; and 7 CFR 275 (a) (3) (iii))

Signed at Washington, D.C. on April 20, 1981.

Dean K. Crowther,

Director, Office of Operations and Finance.

[FR Doc. 81-12878 Filed 4-29-81; 8:45 am]

BILLING CODE 3410-88-M

7 CFR Part 2

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document delegates to the Under Secretary for Small Community and Rural Development and the Administrator, Farmers Home Administration, the authority to assist the Commodity Credit Corporation in administering the provisions of the Rural Development Act of 1972, as added by the Food and Agriculture Act of 1977, regarding loans for pilot projects for production of industrial hydrocarbons and alcohols from agricultural commodities and forest products.

EFFECTIVE DATE: April 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert L. Siegler, Deputy Assistant General Counsel, Office of the General Counsel, United States Department of Agriculture, Washington, D.C. 20250, 202-447-6035.

SUPPLEMENTARY INFORMATION: Section 1420 of the Food and Agriculture Act of 1977 added a new section 509 to the Rural Development Act of 1972 to require the Secretary of Agriculture to provide for four pilot projects for the production of industrial hydrocarbons

and alcohols from agricultural commodities and forest products, by guaranteeing loans, not to exceed \$15 million for each such project. While it is provided that the projects should be carried out through the Commodity Credit Corporation, it has been determined that CCC cannot administer the pilot projects without assistance. Since the Farmers Home Administration administers other loan guarantee programs, it has been determined the authority to assist the CCC in administering the program should be delegated to the Under Secretary for Small Community and Rural Development and the Administrator, Farmers Home Administration.

In addition, the delegations of authority to the Director of Science and Education are amended to clarify that the delegations to the Director do not include the authority to administer section 509 of the Rural Development Act of 1972, as amended. This rule relates to internal agency management. Therefore, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect thereto are impractical and contrary to the public interest, and good cause is found for making this rule effective less than 30 days after publication in the Federal Register. Further, since this rule relates to internal agency management, it is exempt from the provisions of Executive Order 12291. Lastly, since this rule relates to internal agency management, this action will not have a significant economic impact on a substantial number of small entities.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, the Under Secretary for International Affairs and Commodity Programs, the Under Secretary for Small Community and Rural Development, and Assistant Secretaries

1. Section 2.23 is amended by adding a new paragraph (a)(15) to read as follows:

§ 2.23 Delegations of authority to the Under Secretary for Small Community and Rural Development.

• • • • •
(a) *Related to farmers home activities.*

(15) Assist the Commodity Credit Corporation in administering section 509 of the Rural Development Act of 1972, as amended (7 U.S.C. 2669).

Subpart D—Delegations of Authority to Other General Officers and Agency Heads

2. Section 2.39 is amended by revising paragraph (a)(22) to read as follows:

§ 2.39 Delegations of authority to the Director of Science and Education.

• • • • •
(a) *Related to science and education.*

(22) Administer in cooperation with the States a cooperative rural development and small farm research and extension program under the Rural Development Act of 1972, as amended (7 U.S.C. 2661-2668, 2670).

Subpart I—Delegations of Authority by the Under Secretary for Small Community and Rural Development

3. Section 2.70 is amended by adding a new paragraph (a)(30) to read as follows:

§ 2.70 Administrator, Farmers Home Administration.

(a) *Delegations.* • • •

(30) Assist the Commodity Credit Corporation in administering section 509 of the Rural Development Act of 1972, as amended (7 U.S.C. 2669).

• • • • •
(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953)

For Subparts C, D and I.

Dated: April 21, 1981.

John R. Block,
Secretary of Agriculture.

[FR Doc. 81-12502 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-01-M

Animal and Plant Health Inspection Service

7 CFR Part 301

Gypsy Moth Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document amends the list of gypsy moth regulated areas (regulated areas are divided into high-risk areas and low-risk areas) under the Federal Gypsy Moth and Brown-tail Moth Quarantine and Regulations by adding the town of Penfield in Monroe County, New York, and all of Orange County, New York, to the list of gypsy moth high-risk areas. The quarantine and regulations impose restrictions on the interstate movement of certain articles from gypsy moth high-risk areas and gypsy moth low-risk areas. The amendments are necessary as

emergency measures in order to prevent the artificial spread interstate of the gypsy moth.

DATES: Effective date of this final rule April 29, 1981. Written comments concerning this final rule must be received on or before June 29, 1981.

ADDRESS: Written comments concerning this final rule should be submitted to E. E. Crooks, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Hyattsville, MD 20782.

FOR FURTHER INFORMATION CONTACT: E. E. Crooks, Acting Chief Staff Officer, Regulatory Support Staff, Plant Protection and Quarantine, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, 301-436-8247.

SUPPLEMENTARY INFORMATION:

Executive Order 12291 and Emergency Action

This final rule is issued in conformance with Executive Order 12291, and has been determined to be not a "major rule". Based on information compiled by the Department, it has been determined that this rule will have an annual effect on the economy of approximately \$1,000; that this rule will not cause a major increase in costs or prices for consumers, individual industries, Federal, State or local government agencies, or geographic regions; and that this rule will not have a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Also, the emergency nature of this action makes it impracticable for the agency to follow the procedures of Executive Order 12291 with respect to this final rule.

Harvey L. Ford, Deputy Administrator of the Animal and Plant Health Inspection Service for Plant Protection and Quarantine, has determined that an emergency situation exists which warrants publication without opportunity for a public comment period on this final action. Due to the possibility that gypsy moth could be artificially spread interstate to noninfested areas of the United States, a situation exists requiring immediate action to better control the spread of this pest.

Further, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause

that notice and other public procedure with respect to this emergency final action are impracticable and contrary to the public interest; and good cause is found for making this emergency final action effective less than 30 days after publication of this document in the **Federal Register**. Comments have been solicited for 60 days after publication of this document, and a final document discussing comments received and any amendments required will be published in the **Federal Register** as soon as possible.

Certification under the Regulatory Flexibility Act

Dr. Mussman, Administrator of the Animal and Plant Health Inspection Service, has determined that this action will not have a significant economic impact on a substantial number of small entities. This action affects the interstate movement of regulated articles from the town of Penfield in Monroe County, New York, and from all of Orange County, New York. Based on information compiled by the Department it has been determined that there are hundreds of small entities that move regulated articles interstate from New York and many thousands of small entities that move regulated articles interstate from other States. However, based on such information, it has been determined that fewer than 5 entities move regulated articles interstate from the specified areas affected by this action. Further, the annual overall economic impact from this action is estimated to be only about \$1000.

Written Comments

Interested persons are invited to submit written comments concerning the final rule. Comments should bear a reference to the date and page numbers of this issue of the **Federal Register**. All written comments made pursuant to this document will be made available for public inspection at the Federal Building, 6505 Belcrest Road, Room 635, Hyattsville, MD 20782, during regular hours of business, 8 a.m. to 4:30 p.m., Monday through Friday, except holidays, in a manner convenient to the public business (7 CFR 1.27(b)).

Background

The gypsy moth, *Lymantria dispar* (Linnaeus), is a highly destructive pest of forest trees. The Gypsy Moth and Brown-tail Moth Quarantine and Regulations (7 CFR 301.45 *et seq.*) quarantines certain States because of the gypsy moth, and restricts the interstate movement from regulated areas of articles designed as regulated articles because of the gypsy moth.

Regulated areas are divided into high-risk areas and low-risk areas. As an emergency measure this document adds the town of Penfield in Monroe County, New York, and all of Orange County, New York, to the list of gypsy moth high-risk areas.

Areas designated as gypsy moth regulated areas are areas in which a gypsy moth infestation has been found by an inspector, or areas which are necessary to regulate because of proximity to gypsy moth infestation or inseparability for quarantine enforcement purposes from infested localities. Under the regulations there is a basis for designating an area as a high-risk area when an inspector determines that regulated articles exist within or adjacent to an area where defoliation has occurred or where an inspector has reason to believe that 50 or more egg masses per acre of the gypsy moth are present. Low-risk areas are those portions of regulated areas that are not designated as high-risk areas.

Section 301.45-3(a), (b), and (c) of the regulations imposes the following conditions on the movement of regulated articles:

"(a) A regulated article shall not be moved interstate from any high-risk area into or through any nonregulated area unless a certificate or permit has been issued and attached to such regulated article in accordance with §§ 301.45-4 and 301.45-7.

"(b) A regulated article shall not be moved interstate from any low-risk area into or through any nonregulated area when it is determined by an inspector that any life stage of the gypsy moth or brown-tail moth is on the regulated article, and the person in possession thereof has been so notified by an inspector, unless a certificate or permit has been issued and attached to such regulated articles in accordance with §§ 301.45-4 and 301.45-7.

"(c) A regulated article originating outside of any high-risk area, except any regulated article in any low-risk area determined by an inspector to present a hazard of spreading the gypsy moth or brown-tail moth pursuant to paragraph (b) of this section, may be moved interstate directly through any high-risk area without a certificate or permit, if the point of origin of the article is clearly indicated by shipping documents, their identity has been maintained, and they have been safeguarded against infestation while in any high-risk area."

These regulations are designed to restrict the interstate movement of regulated articles in those circumstances where there would be a significant risk of spread of the gypsy moth. A

certificate or limited permit is authorized to be issued based on treatment of a regulated article or based on a determination that movement of a regulated article without treatment would not result in the spread of the gypsy moth.

A document published in the **Federal Register** on April 9, 1981 (46 FR 21143-21148), substantially changed the list of gypsy moth regulated areas by revising the list of regulated areas for eleven States. As part of this revision, the town of Penfield in Monroe County, New York, and all of Orange County, New York, were deleted from the list of gypsy moth high-risk areas and were designated as nonregulated areas. This action with respect to the town of Penfield and Orange County was in error. Based on recent surveys, inspectors have determined that defoliation has occurred in these areas because of the gypsy moth or that there is reason to believe that 50 or more egg masses per acre of the gypsy moth are present in these areas. Also, regulated articles exist within or adjacent to these areas. Accordingly, there is a substantial risk of artificially spreading the gypsy moth by unrestricted interstate movement of such regulated articles. Therefore, as an emergency measure, it is necessary to designate such areas as gypsy moth high-risk areas and impose restrictions on the interstate movement of regulated articles from these areas in accordance with the regulations in order to prevent the artificial spread of the gypsy moth.

§ 301.45-2a [Amended]

Under the circumstances referred to above, the listing under "High-risk area" for New York in § 301.45-2a(a) of the gypsy moth and brown-tail moth quarantine and regulations (7 CFR 301.45-2a(a)) is amended by adding "Penfield," immediately before "Perinton" in the listing for Monroe County, and by adding "Orange County. The entire county." immediately after the listing for Oneida County.

(Secs. 8 and 9, 37 Stat. 318, as amended, secs. 105 and 106, 71 Stat. 32, 71 Stat. 33; 7 U.S.C. 161, 162, 150dd, 150ee; 37 FR 28464, 28477, as amended; 38 FR 19141)

Done at Washington, D.C., this 24th day of April 1981.

Harvey L. Ford,

Deputy Administrator, Plant Protection and Quarantine Animal and Plant Health Inspector Service.

[FR Doc. 81-12891 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-34-M

Agricultural Marketing Service**7 CFR Part 905**

[Orange, Grapefruit, Tangerine and Tangelo Reg. 4, Amdt. 12]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Amendment of Grade and Size Requirements**AGENCY:** Agricultural Marketing Service, USDA.**ACTION:** Final rule.

SUMMARY: This action lowers the minimum grade requirement for domestic shipments of Florida pink seedless grapefruit and imports of pink seedless grapefruit from Improved No. 2 to U.S. No. 2 Russet. It also lowers the minimum diameter requirement for domestic shipments of Florida white seedless grapefruit and imports of white seedless grapefruit from 3 1/8 inches to 3 1/2 inches. These changes recognize current and prospective demand for such grapefruit and are consistent with the remaining crop in the interest of growers and consumers.

EFFECTIVE DATE: April 24, 1981.

FOR FURTHER INFORMATION CONTACT: William J. Doyle, Acting Chief, Fruit Branch, F&V, AMS, USDA, Washington, D.C. 20250, telephone 202-447-5975.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been classified "not significant" and not a major rule. William T. Manley, Deputy Administrator, Agricultural Marketing Service, has determined that this action will not have a significant economic impact on a substantial number of small entities because it would not measurably affect costs for the directly regulated handlers. The regulation with respect to Florida seedless grapefruit is issued under the marketing agreement and Order No. 905 (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida.

The agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). This action is based upon the recommendation and information submitted by the Citrus Administrative Committee, and upon other information. The minimum grade and size requirements for imported seedless grapefruit are consistent with Section 8e of the act. This section requires that whenever specified commodities, including grapefruit, are regulated under a Federal marketing order, imports of that commodity must

meet the same or comparable grade, size, quality, or maturity requirements as those in effect for the domestically produced commodity. The grade and size requirements specified for imported seedless grapefruit are the same as those for domestic shipments of Florida seedless grapefruit. It is hereby found that this regulation will tend to effectuate the declared policy of the act.

It is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *Federal Register* (5 U.S.C. 553). It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified. This amendment relieves restrictions on shipments of Florida seedless grapefruit and imports of seedless grapefruit.

Forms required for operation under this part are subject to clearance by the Office of Management and Budget and are in the process of review. They shall not become effective until such time as clearance by the OMB has been obtained.

Accordingly, it is found that the provisions of § 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4 (45 FR 67047; 76651; 79002; 80269; 81199; 83192; 46 FR 5859; 1089; 11655; 11656; 14115; 16237) should be and are amended by revising Table I paragraph (a), applicable to domestic shipments, to read as follows:

§ 905.304 Orange, Grapefruit, Tangerine and Tangelo Regulation 4.

(a) * * *

Table I

(1) Variety	(2) Regulation period	(3) Minimum grade	(4) Minimum diameter (inch)
Grapefruit			
Seedless, pink	Apr. 24, 1981, through Aug. 23, 1981.	U.S. No. 2 Russet.	3 1/8
	Aug. 24, 1981, through Oct. 18, 1981.	Improved No. 2.	3 1/2
Seedless, except pink	Apr. 24, 1981, through Aug. 23, 1981.	Improved No. 2.	3 1/8
	Aug. 24, 1981, through Oct. 18, 1981.	Improved No. 2.	3 1/2

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674))

Dated: April 24, 1981.

Russell L. Hawes,
Acting Director, Fruit and Vegetable Division,
Agricultural Marketing Service.

[FR Doc. 81-12890 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-02-M**DEPARTMENT OF ENERGY****10 CFR Part 1045****National Security Information; Classification and Declaration****AGENCY:** Department of Energy (DOE).**ACTION:** Final rule.

SUMMARY: Executive Order 12065, "National Security Information", June 28, 1978 established overall U.S. Government policy and procedures for the classification, declassification, and protection of National Security Information (NSI). In accordance with Section 5-402 of that Executive Order, this rule establishes Department of Energy (DOE) information security classification policy and procedures.

EFFECTIVE DATE: April 29, 1981.**ADDRESSES:**

For Mandatory Review Requests:
Robert T. Duff, Director, Office of Classification, Department of Energy, Washington, D.C. 20545.

For Mandatory Review Appeals:
Chairman, Classification Review Committee, Office of the Deputy Assistant Secretary for Defense Programs, Department of Energy, Washington, D.C. 20545.

Freedom of Information Office:
Freedom of Information Office, Department of Energy, 1000 Independence Avenue, SW., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT:

Robert T. Duff, Director, Office of Classification, Department of Energy, Washington, D.C. 20545, (301) 353-3521

Leon Silverstrom, Assistant General Counsel for International Development and Defense Programs, Department of Energy, Washington, D.C. 20585, (202) 252-6975

These regulations have been submitted to the Information Security Oversight Office in accordance with section 5-401 of Executive Order 12065.

These regulations, which do not raise any substantial issue of law or fact and do not have a substantial impact on the nation's economy or large numbers of individuals or businesses, are issued with respect to a "military or foreign affairs function of the United States". Consequently, these regulations are exempt from the provisions of 5 U.S.C. 553, 603, and 604, 42 U.S.C. 7191, and Executive Order 12291.

Issued in Washington, D.C., on April 6, 1981.

R. L. Morgan,

Assistant Secretary for Defense Programs.

Accordingly, 10 CFR Chapter X is amended by adding a new Part 1045, Subpart A, to read as follows:

PART 1045—NATIONAL SECURITY INFORMATION

Subpart A—Classification and Declassification

Sec.

1045.1 Purpose and objectives.

1045.2 Scope.

1045.3 Definitions.

1045.4 Policy and procedures.

1045.5 Responsibilities and authorities.

Authority: E.O. 12065 (43 FR 28949) July 3, 1978, Information Security Oversight Office Directive No. 1 (43 FR 46280) October 5, 1978.

Subpart A—Classification and Declassification

§ 1045.1 Purpose and objectives.

(a) This part establishes policy and procedures to be followed within the Department of Energy (DOE) for the classification and declassification of National Security Information (NSI). Procedures are also established for the submission of mandatory declassification review requests to the DOE under Section 3-5 of Executive Order (E.O.) 12065.

(b) The objectives of the Department of Energy security classification program are: (1) to establish the proper classification of information within the purview of the DOE that requires protection in the interest of the security of the United States, and (2) to identify those documents that reveal such information in order to assure its protection.

§ 1045.2 Scope.

This part applies to classification and declassification of National Security Information (NSI) and NSI documents within the DOE and its contractor and subcontractor organizations. Accordingly, Restricted Data (RD) and Formerly Restricted Data (FRD) classified pursuant to the Atomic Energy Act of 1954, as amended, are outside the scope of this part.

§ 1045.3 Definitions.

(a) "Authorized Classifier" means one authorized to derivatively classify documents and material (Authorized Derivative Classifier) or to originally classify National Security Information (Authorized Original Classifier).

(b) "Authorized Declassifier" means one authorized to declassify documents or material.

(c) "Classification Authority" means authority to derivatively or originally classify National Security Information or NSI documents or material.

(d) "Classification Guide" means a document containing classification guidance for the use of Authorized Classifiers and Authorized Declassifiers in making classification determinations.

(e) "Confidential" means the classification level applied to information whose unauthorized disclosure could reasonably be expected to cause identifiable damage to the national security.

(f) "Declassification Authority" means authority to determine that information, documents, or material can be declassified and to authorize such declassification.

(g) "Foreign Government Information" means information that is (1) provided to the United States by a foreign government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or (2) produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangement, or both, be kept in confidence. Such a written joint arrangement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record.

(h) "Mandatory Review" means a declassification review that can be initiated or requested by a member of the public, a Government employee, or another Government agency pursuant to Executive Order 12065.

(i) "National Security Information" means information pertaining to the national security (i.e., national defense and foreign relations of the United States) and classified in accordance with an Executive Order.

(j) "Secret" means the classification level applied to information whose unauthorized disclosure could reasonably be expected to cause serious damage to the national security.

(k) "Systematic Review" means a classification review required by Executive Order 12065 to be conducted for National Security Information and NSI documents that have been classified for 20 years (30 years for foreign government information).

(l) "Top Secret" means the classification level applied to information whose unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security.

§ 1045.4 Policy and procedures.

(a) It is DOE policy to classify as National Security Information, in accordance with the provisions of Executive Order 12065, only information that requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States. Specifically, information may be classified as National Security Information only when both of the following conditions are met (unless otherwise prohibited by Executive Order 12065):

(1) The information falls under one of the classification criteria set forth in Section 1-301 of Executive Order 12065, and

(2) Unauthorized disclosure of the information could reasonably be expected to cause at least identifiable damage to the national security.

(b) It is DOE policy that information classified in the DOE or its predecessor organizations pursuant to an Executive Order shall be declassified as soon as national security considerations permit. Declassification decisions shall be based on loss of the information's sensitivity with the passage of time or on the occurrence of an event that permits declassification of the information.

(c) It is DOE policy that only individuals specifically authorized to do so may classify or declassify information, documents, or materials. Those in the DOE who possess such authority must ensure that not only are their classification or declassification determinations made upon proper authority, but also that such determinations are in compliance with Executive Order 12065 and its implementing directives, appropriate statutes and Executive Orders, approved classification policy and guidance, and the provisions of DOE classification guidance.

(d) Within the DOE, classification and declassification authority shall be granted in accordance with Executive Order 12065, its implementing directives, and DOE regulations issued pursuant thereto.

(e) Classification guides dealing with National Security Information may be used only by Authorized Classifiers or Authorized Declassifiers to determine the proper classification of information, documents, or material. Because use of classification guides often involves judgments and interpretations of topics, they should be authorized for use only by those who are intimately familiar with the information covered by the guides. Authorized Classifiers and

Authorized Declassifiers may use only those classification guides approved for their use, and must follow the guidance appearing in the classification guide when classifying or declassifying a document or material.

(f) **Mandatory Review.** A member of the public, a Government employee, or a Government agency may request a Mandatory Review for declassification of information or documents. Such requests should be sent to the Director of Classification, U.S. Department of Energy, Washington, D.C. 20545. The following procedures will be followed in responding to such requests.

(1) The Office of Classification will immediately acknowledge receipt of the request in writing. [Classification coordination requests from other government agencies for information or documents requested under the Mandatory Review provisions of Executive Order 12065 do not require such an acknowledgement.]

(2) If a request does not describe the information or documents to be reviewed well enough so that a search can be made, the requester shall be asked to provide more information and shall be informed that no further action will be taken unless and until the information or document requested is described well enough to conduct a search.

(3) Information and documents less than 10 years old originated by the President, the White House staff, or committees or commissions appointed by the President, or by others acting on behalf of the President, are exempted from these Mandatory Review provisions. However, such information and documents over 10 years old shall be subject to Mandatory Review for declassification. Requests for Mandatory Review of such information or documents shall be processed in accordance with procedures developed by the Archivist of the United States.

(4) Every effort will be made to complete action on each request within 30 days of its receipt. If action cannot be completed within 30 days, the Director of Classification shall so advise the requester and specify why more time is necessary. Actions on all requests made pursuant to the Mandatory Review provisions of Executive Order 12065 will be completed within 60 days of the request.

(5) If the Director of Classification determines that requested information or documents must remain classified pursuant to Executive Order 12065, the requester shall be promptly notified in writing, with a brief statement as to why the information or documents cannot be declassified. As appropriate, classified

sections of a requested document shall be identified, and the requester shall be advised that an unclassified, deleted version of the document can be provided, with an appropriate unclassified description of the deleted information. When requested information or documents are denied in whole or in part, the requester shall be notified that an appeal of the determination can be made to the DOE Classification Review Committee.

(6) If any requested information or documents can be declassified and are releasable (i.e., their withholding is not otherwise warranted under applicable law), the requester shall be notified, and the information or documents will be available to him upon payment of appropriate fees. (See 10 CFR 1004.9 for schedule of fees charged for documents provided to individual requesters.)

(7) Requesters who are denied information or documents on the basis of classification may appeal such denials in writing to the Chairman of the Classification Review Committee, Office of the Assistant Secretary for Defense Programs, U.S. Department of Energy, Washington, D.C. 20545. Appeals shall specify why the requester believes that the information or document does not warrant classification. Such appeals must be submitted to the DOE within 60 days of notification of denial of the original request.

(8) Immediately upon receipt of an appeal request, the Chairman of the Classification Review Committee shall bring the appeal to the attention of the permanent Committee members and any DOE organizations that may have an interest in the subject of the appeal.

(9) The Director of Classification will provide the Chairman of the Classification Review Committee all information, documents, and other documentation pertinent to the appeal, and advise the Committee with regard to the classification of the information involved.

(10) The Classification Review Committee will act upon and decide the appeal within 30 days of receipt of the appeal request by the Chairman of the Committee. The appeal will be decided by a simple majority vote of those serving on the Committee (one vote per organization represented), except that the Chairman will vote only to break a tie.

(11) When the Classification Review Committee has made a determination, it will promptly notify the requester of the appeal decision. If the Committee determines that any information or documents that were originally denied can be declassified and released, the Chairman will make the information or

documents available to the requester upon payment of appropriate fees. If the Committee determines that requested information or documents must remain classified, the Chairman shall give the requester a brief statement why they cannot be declassified.

(g) **Systematic Review.** Classified information constituting permanently valuable records of the Government, as defined by 44 USC 2103, shall be reviewed for declassification as it becomes 20 years old (30 years for foreign government information). In accordance with Executive Order 12065, only the Secretary of Energy may extend classification beyond 20 years for information under DOE jurisdiction (30 years for foreign government information). This authority may not be delegated. The Office of Classification shall conduct the DOE Systematic Review program. When information or documents are identified as requiring classification beyond 20 years (30 years for foreign government information), the Director of Classification shall prepare an action for the Secretary of Energy to authorize such extension of classification. Classification may be extended only up to 10 additional years unless the Director of the Information Security Oversight Office (ISOO) has authorized a longer time. In such cases when an extension longer than 10 years is necessary, the Director of Classification, in coordination with the DOE organizations having an interest in such extension, will prepare an action for the Secretary of Energy to request such an extension from the Director of ISOO. Such requests will include the Secretary's personal certification (1) that the classified information for which the extension is requested was systematically reviewed; (2) that a definitive date for declassification could not then be determined; and (3) that the results of the review established an identifiable need to continue classification for at least the extended period of time requested.

(h) **Freedom of Information Act and Privacy Act Requests.** Classification review and other actions regarding review of classified information and documents requested pursuant to the Freedom of Information Act (FOIA) of The Privacy Act shall be conducted in accordance with FOIA, Privacy Act, and Classification regulations.

(i) **Confirmation of Existence of Documents.** Persons responding to requests for classified documents made pursuant to the FOIA or the Mandatory Review provisions of Executive Order 12065 may not refuse to confirm the existence or nonexistence of the

documents, unless the fact of their existence or nonexistence would itself be classifiable.

§ 1045.5 Responsibilities and authorities.

(a) Secretary of Energy.

(1) Originally classifies information up to Top Secret.

(2) Delegates Top Secret original classification authority to those of his principal subordinates who have a frequent need to exercise such authority.

(3) Determines that specific categories of information are related to national security and require protection against unauthorized disclosure pursuant to Section 1-301(g) of Executive Order 12065.

(4) Exercises, as necessary, the authority granted by Section 1-606 of Executive Order 12065 to classify documents when such documents have been requested pursuant to the FOIA or the Mandatory Review provisions of Executive Order 12065.

(5) Extends the classification of specific categories of information or documents beyond 20 years (30 years for foreign government information) when it has been determined that such extended duration of classification is justified and is consistent with Executive Order 12065.

(6) Requests, as necessary, from the Director of the ISOO, waivers from the 10-year review requirement for information reviewed under the Systematic Review provisions of Executive Order 12065.

(b) Deputy Secretary exercises, as necessary, the authority granted by Section 1-606 of Executive Order 12065.

(c) Assistant Secretary for Defense Programs.

(1) Approves basic DOE policy on the classification and declassification of NSI.

(2) Assures DOE implementation of Executive Order 12065.

(3) Ensures that programs are established to take appropriate and prompt corrective action whenever a violation of the classification or declassification provisions of Executive Order 12065 occurs.

(d) Director of Classification.

(1) Develops overall DOE classification policy for the approval of the Assistant Secretary for Defense Programs.

(2) Makes the interpretation of DOE classification policy.

(3) Develops and implements DOE classification and declassification standards, rules, and procedures; conducts programs for the classification and declassification of information.

(4) Assures the preparation, coordination, and issuance of

classification guides for all programs that have a potential for involving or generating classified information; approves all program and local classification guides prior to their issuance.

(5) Coordinates and assures issuance of classification guidance for classified information generated under the cognizance of the DOE when the classification policy for such information is developed by other Government agencies or foreign governments.

(6) Determines the proper classification of information and declassifies NSI on a DOE-wide basis, consistent with established DOE classification policy.

(7) Administers DOE implementation of Executive Order 12065 and its implementing directives except for those provisions pertaining to special access programs and personnel and physical security.

(i) Conducts a continuous review of and revises as necessary DOE classification guides for NSI.

(ii) Issues Systematic Review guidelines covering 20-year-old classified NSI and 30-year-old classified foreign government information under the purview of the DOE, publishes such guidelines in the *Federal Register*, and makes such guidelines available to the Archivist of the United States, the Director of the ISOO, and other Government agencies, as appropriate; conducts a Systematic Review of NSI documents as they approach 20 years of age (30 years for foreign government information); and recommends to the Secretary any specific information or documents that should not be declassified at that time.

(iii) Publishes in the *Federal Register* those DOE regulations that implement classification aspects of Executive Order 12065; submits such regulations for review by the ISOO.

(iv) Makes recommendations to the Secretary with regard to the determination of categories of information related to national security and requiring protection against unauthorized disclosure pursuant to Section 1-301(g) of Executive Order 12065; ensures that such determinations are reported to the ISOO.

(v) Makes recommendations to the Secretary concerning the designation of Top Secret Authorized Original Classifiers; acts for the Secretary in designating Secret and Confidential Authorized Original Classifiers in organizations that do not have Top Secret original classification authority and are not under the immediate jurisdiction of a Top Secret Authorized

Original Classifier. Monitors the requirements for and use of original classification authority in DOE and DOE contractor organizations.

(vi) Acts for the Secretary in designating Authorized Declassifiers.

(vii) Requests from the ISOO waivers for NSI, as necessary, from the portion marking requirement of Executive Order 12065, Section 1-504.

(viii) Represents the Secretary on the Interagency Information Security Committee; acts as the DOE contact with the ISOO; and advises the Secretary and the Assistant Secretary for Defense Programs with regard to actions and determinations made by the Director of the ISOO affecting the DOE.

(ix) Collects information for, and prepares and submits reports to, the ISOO as required by Executive Order 12065, its implementing directives, and requests of the ISOO.

(x) Is the central DOE authority for receiving all requests for declassification review of information under the Mandatory Review provisions of Executive Order 12065.

(xi) Determines, in coordination with appropriate DOE program organizations, whether the public interest in disclosure of specific NSI outweighs the damage to national security that might reasonably be expected from its disclosure, when such questions arise (Section 3-303, Executive Order 12065). [Balancing Test.]

(xii) Exercises, as necessary, for documents originated before 12/1/78 (the effective date of Executive Order 12065), the authority granted by Section 1-606 of Executive Order 12065.

(xiii) Designates personnel, as required, to assist the Archivist of the United States in the Systematic Review of classified information of interest to the DOE.

(8) Conducts a continuous review of the DOE classification and declassification program to ensure compliance with the classification and declassification provisions of Executive Order 12065 and DOE regulations.

(9) Appraises the effectiveness of the classification functions of DOE organizations; provides reports of such appraisals to heads of DOE organizations concerned.

(10) Develops classification and declassification education and training programs, and administers such programs for Headquarters personnel and, as required, field organization personnel.

(11) Reviews all classified documents requested from the DOE under the FOIA, determines the proper classification thereof, and is the DOE

denying official with regard to the denial of classified information pursuant to the FOIA; advises system managers with regard to classified documents requested pursuant to the Privacy Act of 1974.

(12) Reviews all testimony, transcripts, and other documents prepared for the Congress and, as requested, documents prepared by Congress dealing with DOE-related programs involving classified information or where any uncertainty may exist concerning the classification of such documents.

(13) Conducts classification and declassification reviews of documents and materials (including patent applications).

(14) Designates certain Authorized Derivative Classifiers; monitors the requirements for and use of derivative classification authority.

(15) Maintains liaison with, serves as the DOE contact with, and, as appropriate, provides classification and declassification guidance and training to other Government agencies and private interests on matters concerning DOE classification and declassification policies and procedures.

(16) Maintains liaison and serves as DOE contact with foreign governments on matters concerning classification and declassification of information.

[FR Doc. 81-12935 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-01-M

10 CFR Part 1045

National Security Information; Systematic Review Guidelines

AGENCY: Department of Energy (DOE).

ACTION: Final rule.

SUMMARY: Executive Order 12065, "National Security Information," June 28, 1978, requires that the Department of Energy (DOE) establish and maintain guidelines for systematic review covering 20-year old permanently valuable National Security Information (NSI) under its jurisdiction. Accordingly, this rule establishes specific limited categories of NSI under the purview of the DOE which, because of their national security sensitivity, should not be declassified automatically, but should be reviewed item-by-item to determine whether continued protection beyond twenty years is needed.

EFFECTIVE DATE: May 31, 1979.

FOR FURTHER INFORMATION CONTACT:

Robert T. Duff, Director, Office of Classification, Department of Energy, Washington, D.C. 20545 (301) 353-3521

Leon Silverstrom, Assistant General Counsel for International Development and Defense Programs, Department of Energy, Washington, D.C. 20585 (202) 252-6975

These regulations have been submitted to the Information Security Oversight Office in accordance with section 5-401 of Executive Order 12065.

These regulations, which do not raise any substantial issue of law or fact and do not have a substantial impact on the nation's economy or large numbers of individuals or businesses, are issued with respect to a "military or foreign affairs function of the United States". Consequently, these regulations are exempt from the provisions of 5 U.S.C. 553, 603, and 604, 42 U.S.C. 7191, and Executive Order 12291.

Issued in Washington, D.C., on April 6, 1981.

R. L. Morgan,

Assistant Secretary for Defense Programs.

Accordingly, 10 CFR, Chapter X is amended by adding to Part 1045, Subpart B to read as follows:

PART 1045—NATIONAL SECURITY INFORMATION

Subpart B—Systematic Review Guidelines

Sec.

1045.10 Purpose.

1045.11 Scope.

1045.12 Definitions.

1045.13 Policy and procedures.

1045.14 Responsibilities and authorities.

Appendix 1—Categories of Information to be Reviewed for Declassification.

Authority: EO 12065 (43 FR 28949) July 3, 1978, Information Security Oversight Office Directive No. 1 (43 FR 46280) October 5, 1978.

Subpart B—Systematic Review Guidelines

§ 1045.10 Purpose.

This part establishes the Department of Energy (DOE) Systematic Review Guidelines for National Security Information required by Section 3-402 of Executive Order 12065, "National Security Information," June 28, 1978. The purpose of these Guidelines is to describe specific categories of National Security Information (NSI) under the jurisdiction of the Department of Energy (DOE) which, because of national security sensitivity, should not be automatically declassified but should be systematically reviewed by the DOE to determine whether continued classification beyond 20 years is needed.

§ 1045.11 Scope.

This part applies to the systematic review of 20-year-old permanently

valuable National Security Information, as defined by 44 U.S.C. 2103, originated or classified by or for the DOE of its predecessor agencies that is under the classification jurisdiction of the DOE. Accordingly, information that is foreign government information; Restricted Data or Formerly Restricted Data under the Atomic Energy Act of 1954; or in nonpermanent records is outside the scope of this part.

§ 1045.12 Definitions.

(a) "Communications Security (COMSEC)" means the protection resulting from the application of cryptosecurity, transmission security, and emission security measures to telecommunications and from the application of physical security measures to COMSEC information. These measures are taken to deny unauthorized persons information of value which might be derived from the possession and study of such telecommunications, or to insure the authenticity of such telecommunications.

(b) "Compromise" means the disclosure of classified data or classified information to persons who are not authorized to receive such data or information.

(c) "Compromising emanations" means unintentional data-related or intelligence-bearing signals which, if intercepted and analyzed, disclose classified information being transmitted, received, handled, or otherwise processed by any information-processing equipment.

(d) "Computer security" means the protection resulting from the application of hardware and software security measures, which are taken to deny unauthorized persons access to computer equipment processing classified information and/or to classified information processed, produced, or stored by such equipment.

(e) "Emanations Security (EMSEC)" means the protection resulting from all measures designed to deny unauthorized persons information of value which might be derived from intercept and analysis of compromising emanations from other than crypto-equipment and telecommunications systems.

(f) "Environmental security" means the application of safeguards, such as electrical, acoustical, physical, etc., to an area to minimize the risk of unauthorized interception or otherwise obtaining classified information from the area.

(g) "Foreign Government Information" means information that is (1) provided to the United States by a foreign

government or international organization of governments in the expectation, express or implied, that the information is to be kept in confidence; or (2) produced by the United States pursuant to a written joint arrangement with a foreign government or international organization of governments requiring that either the information or the arrangement, or both, be kept in confidence. Such a written joint arrangement may be evidenced by an exchange of letters, a memorandum of understanding, or other written record.

(h) "Foreign intelligence information" means information relating to the capabilities, intentions, and activities of foreign powers, organizations, or persons, but not including counterintelligence except for information on international terrorist activities. This information may or may not be foreign government information.

(i) "Formerly Restricted Data (FRD)" means classified information jointly determined by the DOE or its predecessors (the Energy Research and Development Administration and the Atomic Energy Commission) and the Department of Defense to be related primarily to the military utilization of atomic weapons, and removed by the DOE (or its predecessors) from the Restricted Data category pursuant to Section 142.d. of the Atomic Energy Act.

(j) "Inventory difference" means the algebraic difference between a physical inventory and its concomitant book inventory after determining that all known removals and additions have been reflected in the book inventory. (Also called Material Unaccounted For—MUF.)

(k) "National Security Information (NSI)" means information pertaining to the national security and classified in accordance with an Executive Order. (Formerly called Defense Information.)

(l) "Naval nuclear propulsion information" means all information concerning the design, arrangement, development, manufacture, testing, operation, administration, training, maintenance, and repair of the propulsion plants of naval nuclear powered ships, including the associated nuclear support facilities.

(m) "Nuclear safeguards" means an integrated system of physical protection, accountability, and material control measures designed to deter, prevent, detect, and respond to unauthorized possession and use of Special Nuclear Materials. In practice, it is the development and application of techniques and procedures dealing with the establishment and continued maintenance of a system of activities

including physical protection, quantitative knowledge of the location and use of Special Nuclear Materials, and administrative controls and surveillance to assure that procedures and techniques of the system are effective and are being carried out.

(n) "Nuclear weapon" means any device utilizing atomic energy, exclusive of the means for transporting or propelling the device (where such means is a separable and divisible part of the device), the principal purpose of which is for use as, or for development of, a weapon, weapon prototype, or a weapon test device. (Includes "atomic weapon" and "nuclear explosive device".)

(o) "Nuclear weapons effects" means the energy output from the detonation of a nuclear weapon, particularly blast, thermal radiation, neutrons, gamma rays, etc., and the response of objects exposed to such output.

(p) "Nuclear weapons hardness" means the degree to which nuclear weapons and their components and constituents resist or minimize countermeasures or adverse environments.

(q) "Nuclear weapons vulnerability" means the response of nuclear weapons or missile systems to various countermeasure environments which could result in a degradation in the performance of the weapon.

(r) "Physical security" means the component of security which results from all physical measures necessary to safeguard classified equipment, material, and documents from access thereto or observation thereof by unauthorized persons.

(s) "Restricted Data (RD)" means all data concerning (1) design, manufacture, or utilization of atomic weapons; (2) the production of Special Nuclear Material; or (3) the use of Special Nuclear Material in the production of energy, but shall not include data declassified or removed from the Restricted Data category pursuant to Section 142 of the Atomic Energy Act of 1954, as amended.

(t) "Special Nuclear Material (SNM)" means (1) plutonium, uranium enriched in the isotope 233 or in the isotope 235, but not including source material; or (2) any material artificially enriched by any of the foregoing, but not including source material.

(u) "Surreptitious listening devices" means devices designed to permit monitoring of acoustic signals without knowledge of the originator.

(v) "Technical security" means that phase of a security program designed to isolate, nullify, or detect the presence or use of equipment and techniques applied to obtain unauthorized access to classified information.

(w) "Teleprocessing" means the overall function of an information transmission and man-machine interface equipment and their interaction as an integrated whole.

(x) "Teleprocessing security" means the protection from all measures designed to prevent deliberate or inadvertent unauthorized disclosure, acquisition, manipulation, or modification of information in a teleprocessing system.

§ 1045.13 Policy and procedures.

(a) DOE classified information that is permanently valuable, as defined by 44 U.S.C. 2103, shall be systematically reviewed for declassification when it is 20 years old whether the information:

(1) Has been transferred to the General Services Administration for accession into the Archives of the United States or in the possession and control of the Administrator of General Services under 44 U.S.C. 2107 or 2107 note, or

(2) Is in the possession or control of the DOE.

(b) When DOE National Security Information becomes 20 years old, it shall be:

(1) Declassified automatically if it is not within one of the categories specified in Enclosure 1.

(2) Reviewed for declassification by responsible DOE reviewers in accordance with the declassification provisions of Executive Order 12065, if it is within any of the categories specified in Enclosure 1. If the responsible DOE reviewer decides that the public disclosure of the information being reviewed would no longer result in at least identifiable damage to the national security the information must be declassified.

§ 1045.14 Responsibilities and authorities.

(a) The Secretary of Energy acts upon recommendations from the Director of Classification regarding the extension of classification of specific information or documents beyond 20 years and is the sole DOE authority for extending the classification of such information or documents when it has been determined that such extended duration of classification is justified and is consistent with Executive Order 12065.

(b) The Director of Classification issues Systematic Review guidelines covering 20-year old permanently valuable National Security Information under the purview of the DOE, publishes such guidelines in the Federal Register, and approves such guidelines for use by the Archivist of the United States and,

as appropriate, other government agencies.

(c) The Director of Classification is responsible for overseeing and conducting the DOE Systematic Review program for National Security Information and documents containing such information as they approach 20 years of age, and designates personnel, as necessary, to assist the Archivist of the United States in the Systematic Review of classified information of interest to the DOE.

(d) Recommendations for extending the classification of specific information or documents beyond 20 years shall be made to the Director of Classification by heads of offices, DOE Headquarters, and by Classification Officers of the DOE field offices and/or contractor organizations. Such recommendations shall be made only after a classification review of the information or documents has been conducted and it has been determined by the reviewer(s) that classification beyond 20 years is justified. The Director of Classification is responsible for submitting such recommendations for classification extension to the Secretary of Energy.

(e) Within the DOE, documents will be reviewed for declassification under the Systematic Review program in accordance with DOE Order 5650.2 and revisions thereto.

(f) The Archivist of the United States is authorized to use these Systematic Review guidelines in the review of 20-year old classification documents containing information under the purview of the DOE.

Appendix—Categories of Information To Be Reviewed for Declassification

Unless previously marked with declassification instructions such that they will have become eligible for automatic declassification within 20 years of origination, NSI documents 20 years old and older containing information under the exclusive or concurrent declassification authority of the DOE falling within one or more of the following categories of information may not be automatically declassified but should be reviewed for possible declassification by qualified, specifically designated personnel of the Department of Energy.

A. All Atomic Energy Commission (AEC) Foreign Intelligence Information, such as

(1) Activities related to the monitoring of nuclear developments abroad, including but not limited to research, development, engineering, characteristics, effectiveness, vulnerability, etc., of satellites and other methods for surveillance of nuclear developments abroad (such as nuclear tests).

(2) Scope and substance of studies, analyses, etc., of intelligence data undertaken by AEC or AEC contractor organizations.

(3) Information that could reveal or identify a present, past, or prospective intelligence source or method.

B. All AEC Nuclear Safeguards Informations, such as

(1) Measurement criteria for investigation of Special Nuclear Material inventory differences.

(2) Physical protection of nuclear facilities and Special Nuclear Material.

(3) Vulnerability and vulnerability assessments of nuclear facilities and Special Nuclear Material.

(4) Threat information.

(5) Total site inventories of Special Nuclear Material.

(6) Material Balance Reports.

(7) See also Category C below.

C. All AEC Security Information (other than that associated with Cryptology), such as

(1) Operation or vulnerability (including sabotage vulnerability) of security systems, including physical security, computer security (excluding COMSEC aspects of teleprocessing security), emanations security, technical security, and environmental security.

(2) Security Plans.

(3) Security Surveys and Audits.

(4) Patrol Tactical Response Plans.

(5) Surveillant Listening Device Prevention Programs.

(6) Alarm Systems.

(7) Physical Compromise of Classified Information.

(8) Compromising Emanations (other than that pertaining to COMSEC).

(9) Physical Security Reviews of Foreign Nuclear Programs.

(10) See also Category B, above, for Nuclear Safeguards Information.

D. Nuclear Nonproliferation Information (such as programs and studies related to the proliferation of Special Nuclear Materials and nuclear weapons to nonweapons states or subnational groups, and programs for the control of exports of nuclear materials and equipment and transfer of technology), i.e.,

(1) All AEC documents in this area.

(2) Other agency documents concerned with the AEC nonproliferation program.

(3) Nuclear export policy studies.

E. All Nuclear Arms Control Information, such as

(1) Negotiations and studies (AEC documents only).

(2) Purpose, location, and capabilities of U.S. arms control treaty verification systems.

(3) Research and technology concerned with verification, such as

a. Seismology Monitoring.

b. Ionospheric Disturbance.

c. Nuclear Test Detection.

(4) Evaluations of arms control proposals or other matters related to arms control (AEC documents only).

F. Information related to all U.S. Government nuclear programs, such as

(1) Nuclear Weapons Testing (U.S. and Foreign).

(2) Nuclear Weapons Storage and Stockpile.

(3) Nuclear Weapons Effects, Hardness, and Vulnerability.

(4) Nuclear Weapon Test Detection and Evaluation.

(5) Naval Nuclear Propulsion Information.

[FR Doc. 81-12936 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF COMMERCE

Office of the Secretary

15 CFR Part 19

Federal Interaction With Voluntary Standards Bodies; Procedures; Deferral of Effective Date

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation, Commerce.

ACTION: Deferral of effective date of final rule.

SUMMARY: The Procedures on Federal Interaction with Voluntary Standards Bodies were published at 46 FR 1574, January 6, 1981 to become effective February 5, 1981. In response to President Reagan's Memorandum of January 29, 1981, the effective date of these procedures was postponed until March 30, 1981 by notice of rulemaking published at 46 FR 11657, February 10, 1981. The effective date was then postponed until April 29, 1981 (46 FR 19227) to allow time to complete a rulemaking proceeding on the issues of (1) whether the procedures should be suspended indefinitely pending reexamination, or (2) whether the procedures should be allowed to have interim effect while they are under review. See 46 FR 19266 (March 30, 1981). The effective date is being further postponed until June 29, 1981, to allow additional time for analysis of the 115 or more comments received in the rulemaking proceeding noted above.

EFFECTIVE DATE: The effective date of 15 CFR Part 19 is deferred until June 29, 1981. This amendment is effective April 28, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Robert B. Ellert, Acting Assistant Secretary for Productivity, Technology and Innovation, Room 3859, U.S. Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394; or Mr. Donald M. Malone, Deputy Assistant General Counsel for Productivity, Technology and Innovation, Room 3859, Department of Commerce, Washington, D.C. 20230, telephone (202) 377-5394.

SUPPLEMENTARY INFORMATION: The Department of Commerce issued, on December 31, 1980 Part 19 of Title 15, entitled "Federal Interaction With Voluntary Standards Bodies; Procedures." This part appeared in the

Federal Register for January 6, 1981. These procedures were issued in response to Section 7a(1)(a) of OMB Circular A-119, entitled "Federal Participation in the Development and Use of Voluntary Standards." In response to President Reagan's Memorandum of January 29, 1981 entitled, "Postponement of Pending Regulations," the effective date of the procedures was postponed to March 30, 1981 (see 46 FR 11657, February 10, 1981).

A decision was made to reexamine the procedures, insofar as there is lawful discretion to do so. A notice of proposed rulemaking proposed to suspend the procedures for an indefinite period of time while they are being reexamined, or permit them to go into effect on an interim basis during the period of reexamination. See 46 FR 19266 (March 30, 1981). To allow time for completion of the rulemaking proceeding initiated by that notice, the effective date of the procedures was extended for an additional 30 days until April 29, 1981 (46 FR 19227). To allow more time for analysis of the 115 or more comments received in response to that notice of proposed rulemaking, the effective date of the procedures is being extended for an additional 61 days until Monday, June 29, 1981.

Effective date of this amendment: April 28, 1981.

Issued: April 24, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

1. The preamble to FR Doc 81-254, published at 46 FR 1574, January 6, 1981 is amended by revising the effective date caption in the first column to read "Effective Date: June 29, 1981."

§ 19.5 [Amended]

2. The first sentence of § 19.5 of title 15 of the Code of Federal Regulations (46 FR 1574, 1579) is revised to read as follows:

This subpart shall become effective on June 29, 1981. * * *

[FR Doc. 81-12800 Filed 4-29-81; 8:45 am]

BILLING CODE 3510-13-M

International Trade Administration

15 CFR Parts 376, 385, 386, and 399

Termination of the Embargo on the Export of Agricultural Commodities and Phosphatic Materials to the U.S.S.R. and Afghanistan

AGENCY: Office of Export Administration, International Trade

Administration, U.S. Department of Commerce.

ACTION: Final rule.

SUMMARY: By memorandum dated April 24, 1981, the President has directed the termination of the embargo on the export of agricultural commodities and phosphatic materials to the U.S.S.R. implemented in 1980. This rule implements the President's decision. In addition, it removes controls on such commodities to Afghanistan. The purpose of those Afghanistan controls was to implement more effectively the embargo on exports to the U.S.S.R. As of the effective date, the affected commodities heretofore subject to validated licensing may be exported under General License to the U.S.S.R. and Afghanistan. License applications pending in the Office of Export Administration as of the effective date will be returned without action to the applicant.

DATES: This rule is effective 12:30 p.m. EST April 24, 1981.

FOR FURTHER INFORMATION CONTACT: Patricia Huber, Short Supply Division, Office of Export Administration, Department of Commerce, Washington, DC 20230, Telephone: (202) 377-3984.

SUPPLEMENTARY INFORMATION:

Rulemaking Requirements

This rule removes restrictions on exports. In connection with various rulemaking requirements it has been determined that:

1. Section 13 of the Export Administration Act does not apply to this rule.

2. This rule relates to a foreign affairs function of the United States and is not a "major rule" within the meaning of sections 1(a) (2) and (b), respectively, of Executive Order 12291 (46 FR 13193, February 18, 1981), "Federal Regulations."

3. This rule does not impose a burden under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

Therefore, this rule is issued in final form.

Savings Provision

This rulemaking shall not affect any violation of rules, regulations, orders, licenses or other forms of administrative action during the period that export controls on agricultural commodities and phosphatic materials were in effect. Accordingly, the Export Administration Regulations are amended as follows:

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

§§ 376.5, 376.15 [Reserved]

Supplement Nos. 1, 2, and 3 [Removed]

1. Sections 376.5 and 376.15 are removed and reserved, and Supplement Nos. 1, 2, and 3 to Part 376 are removed.

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

§ 385.2 [Amended]

2. Section 385.2(e) is removed and subsequent paragraph (f) is redesignated as (e).

3. Section 385.4(f) is revised to read as follows:

§ 385.4 [Amended]

(f) *Afghanistan.* The Soviet military presence in Afghanistan requires special attention to exports because of the likelihood that commodities or technical data entering Afghanistan will be available to the U.S.S.R. Accordingly, the validated licensing requirements for the U.S.S.R. extend to shipments to Afghanistan. The purpose of this action is not to deny commodities or technical data to Afghanistan but to implement more effectively those national security and foreign policy controls already in existence with regard to the U.S.S.R. Accordingly, the statutory bases for controlling such shipments to Afghanistan parallel those for the U.S.S.R. With regard to applications for shipments subject to national security controls, the general policy is to deny such applications if they would be denied if destined for the U.S.S.R. Further, foreign policy controls in effect for shipments to the U.S.S.R. of oil and gas exploration and production equipment are extended to Afghanistan as a means of preventing diversion. The general policy is to approve applications for such shipments when intended for use to meet the needs of the civilian Afghan economy and such shipments are otherwise consistent with U.S. foreign policy interests.

PART 386—EXPORT CLEARANCE

§ 386.7 [Amended]

4. Section 386.7(a)(3) is removed, paragraph (a)(1) is amended by adding the word "or" at the end of that paragraph, and paragraph (a)(2) is amended by adding a period at the end of the phrase "Supplement to Part 377" and removing the word "or".

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS**§ 399.1 [Amended]**

5. Section 399.1 is amended by removing entries 4994F and 6794F and accompanying footnotes.

§ 399.2 [Amended]

6. Section 399.2 is amended by removing footnote No. 2 to Interpretation 24 and by removing and reserving Interpretation 27.

(Secs. 5, 6, 7, 13, and 15, Pub. L. 96-72, U.S.C. app. 2401 *et seq.*; Executive Order No. 12214 (45 FR 29783, May 6, 1980); Department Organization Order 10-3 (45 FR 6141, January 25, 1980); International Trade Administration Organization and Function Orders 41-1 (45 FR 11862, January 30, 1980) and 41-4 (45 FR 65003, October 1, 1980))

Dated: April 24, 1981.

Joseph R. Wright, Jr.,

Acting Secretary of Commerce.

[FR Doc. 81-12894 Filed 4-27-81; 8:45 am]

BILLING CODE 3510-24-M

National Oceanic and Atmospheric Administration**15 CFR Parts 935 and 936****Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries; Partial Suspension of Regulations**

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Continued suspension of final rules.

SUMMARY: The Office of Coastal Zone Management within NOAA is suspending until September 30, 1981, those provisions of the regulations issued pursuant to the designations of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary (but only insofar as these regulations affect hydrocarbon activities). During this period, NOAA will reconsider the regulations in accordance with Executive Order 12291. This reconsideration will involve an analysis of the costs and benefits to the Nation which would result from imposing additional prohibitions on hydrocarbon activities to the controls imposed under the Outer Continental Shelf Lands Act and other Federal statutes.

DATES: The provisions in §§ 935.6, 935.7 and 936.6 which would directly prohibit or have the effect of prohibiting

hydrocarbon development are suspended until September 30, 1981. Comments will be accepted until June 30, 1981.

ADDRESS: Send Comments to: Dallas Miner, Director, Sanctuary Programs Office, Office of Coastal Zone Management, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT: Dallas Miner, telephone (202) 634-4236.

SUPPLEMENTARY INFORMATION: The majority of the regulations issued pursuant to the designation of the Channel Islands and Point Reyes-Farallon Islands National Marine Sanctuaries became effective on March 30, 1981, and April 5, 1981, respectively.

On March 30, 1981, (46 FR 19227) NOAA suspended those portions of the regulations which would directly prohibit or have the effect of prohibiting hydrocarbon development within each Sanctuary for a period of 30 days during which it considered whether to suspend them for an additional period of up to 6 months while it reconsidered their substantive impact in accordance with Executive Order 12291. A 15-day comment period on this initial decision was provided.

The comments received were divided fairly evenly on the issue. Generally those that favored the regulations on substantive grounds during previous review processes, e.g., the State of California, the County of Santa Barbara and various environmental groups, favored making them effective on an interim basis. Those that opposed the regulations, e.g., the oil industry and the Department of the Interior favored continued suspension.

No lease sales involving the Channel Islands Sanctuary will be held during the period in question. While certain tracts in the Point Reyes-Farallon Islands Sanctuary could be leased in June, no activities which would impact the Sanctuary substantively are anticipated prior to the completion of reconsideration. NOAA has determined to continue suspension of §§ 935.6 and 936.6(a)(1) prohibiting hydrocarbon development as well as §§ 935.7(a)(2) and 936.6(a)(2), (3) which might indirectly have such effect but only insofar as these sections relate to hydrocarbon activities. As to other activities the regulations are effective. This suspension action will not result in any practical effect on either Sanctuary; therefore, NOAA finds no advantage to changing the current status of the regulations to interim final status.

Executive Order 12291 directs Federal agencies to reconsider pending "major" regulations in accordance with the

objectives of the Executive Order and prepare a Regulatory Impact Analysis. A major regulation is defined as one likely to result in:

1. An annual effect on the economy of \$100 million or more;
2. A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
3. Significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

In response to the President's Executive Order, NOAA will be reviewing in depth these proposed hydrocarbon development prohibitions in the two Sanctuaries. NOAA has examined the issues in considerable detail already to satisfy Executive Order 12044, the predecessor to Executive Order 12291. However, NOAA will be reexamining them in light of Executive Order 12291 (46 FR 13193, February 19, 1981) and determining whether the prohibitions meet the criteria for "major" regulations and, in any event, whether they are consistent with the general requirement of Section 2 of this Executive Order including the requirement that the potential benefits to the Nation outweigh the potential costs. Comments on these issues are invited until June 30, 1981.

Dated: April 28, 1981.

William Matuszeski,

Acting Assistant Administrator, Office of Coastal Zone Management.

[FR Doc. 81-12894 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-08-M

DEPARTMENT OF THE INTERIOR**Office of Surface Mining Reclamation and Enforcement****30 CFR Parts 700, 716, and 785****Surface Coal Mining and Reclamation Operations; Initial and Permanent Regulatory Program; Deferral of Effective Dates and Reopening of Public Comment Period**

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Deferral of effective dates and reopening of public comment period.

SUMMARY: The effective dates of four final rules, which were deferred at 46 FR 20211 (April 3, 1981) are further

postponed until June 15, 1981, and the public comment period is reopened in response to requests for additional time to allow public comment as to whether the rules should be modified or suspended indefinitely pending the outcome of rulemaking. The four rules deal with exemptions and definitions for the prime farmland rules of OSM's initial and permanent regulatory programs and an exemption for operations which affect two acres or less.

DATES: The new due date for public comments is 5 p.m. e.s.t. May 9, 1981, (ten days from publication). The new effective date for 30 CFR 716.7 (a) and (b) as published on January 22, 1981, is June 15, 1981. The effective date of § 716.7(a)(2) and 785.17(a) as published on January 23, 1981, and § 700.11(b) as published on January 23, 1981, is June 16, 1981.

ADDRESSES: Written comments must be mailed or hand delivered to the Office of Surface Mining, U.S. Department of the Interior, Room 153, South Building, 1951 Constitution Avenue, N.W., Washington, D.C. 20240, (202) 343-4728.

FOR FURTHER INFORMATION CONTACT: Edward Johnson or Tom Leshendok, Office of Surface Mining, Department of the Interior, Washington, D.C. 20240, telephone: (202) 343-2601.

SUPPLEMENTARY INFORMATION: On April 3, 1981, 46 FR 20211, the Department of the Interior extended until May 4, 1981, and May 5, 1981, the effective dates of four final rules which had not yet become effective. The four rules deal with exemptions and definitions for the prime farmland rules of OSM's initial and permanent regulatory programs and an exemption for operations which affect two acres or less. The affected rules are: 30 CFR 700.11(b), 716.7 (a) and (b), 716.7(a)(2), and 785.17(a).

During the public comment period on the proposed suspension of these rules, OSM received requests to reopen the comment period which ended on April 20, 1981, to allow the public additional time to comment. OSM has agreed to grant these requests and the public comment period is thus being extended until May 9, 1981. Therefore, the effective dates of the rules must also be further postponed as set forth in the "DATES" portion of this document. This will allow time to analyze the public comments and to decide whether to suspend indefinitely these four rules pending the outcome of further rulemaking.

Dated: April 23, 1981.

Andrew Bailey,

Acting Director, Office of Surface Mining Reclamation & Enforcement.

[FR Doc. 81-12855 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-05-M

VETERANS ADMINISTRATION

38 CFR Part 3

Veterans Benefits; Persons Included as Having Served on Active Duty

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration amends its regulation concerning persons who shall be included as having served on active duty. The need for this action results from recent decisions of the Secretary of Defense that (1) Quartermaster Corps Female Clerical Employees Serving with the AEF (American Expeditionary Forces) in World War I and (2) Civilian Employees of Pacific Naval Air Bases Who Actively Participated in Defense of Wake Island During World War II are considered to have served on active duty. The effect of this action is to confer veteran status for Veterans Administration benefit purposes on former members of these groups who were discharged under honorable conditions.

EFFECTIVE DATE: This change is effective January 22, 1981, the date the Secretary of Defense held that service in the above groups constituted active duty.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: The VA is not providing for a public comment period since the decision of the Secretary of Defense concerning active duty status is binding on the Veterans Administration.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The agency has also determined, as required Pub. L. 96-354, the Regulatory Flexibility Act, that it imposes no compliance costs or reporting burdens on the public and has no effect on businesses or State and local governments.

Approved: April 9, 1981.

Rufus H. Wilson,

Acting Administrator.

The Veterans Administration amends Part 3 as follows:

In § 3.7(x), subparagraphs (5) and (6) are added as follows:

§ 3.7 Persons Included.

(x) Active military service certified as such under section 401 of Pub. L. 95-202. Such service if certified by the Secretary of Defense as active military service and if a discharge under honorable conditions is issued by the Secretary. The effective dates for an award based upon such service shall be as provided by § 3.400(z) and 38 U.S.C. 3010, except that in no event shall such an award be made effective earlier than November 23, 1977. Service in the following groups has been certified as active military service.

(5) Quartermaster Corps Female Clerical Employees serving with the AEF (American Expeditionary Forces) in World War I.

(6) Civilian Employees of Pacific Naval Air Bases Who Actively Participated in Defense of Wake Island During World War II.

[FR Doc. 81-12850 Filed 4-28-81; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 3

Veterans Benefits; Length of Service Requirement

AGENCY: Veterans Administration.

ACTION: Final regulation.

SUMMARY: The Veterans Administration has amended its regulations to implement a new law, the Department of Defense Authorization Act, 1981. This law generally provides that no Federal benefits shall be payable to a person who enlists in the armed forces and who fails to complete at least 24 months of the person's term of enlistment.

EFFECTIVE DATE: This change is effective September 8, 1980, the effective date specified in the new law designated as Pub. L. No. 96-342.

FOR FURTHER INFORMATION CONTACT: T. H. Spindle, Jr. (202-389-3005).

SUPPLEMENTARY INFORMATION: On pages 8574-75 of the Federal Register of January 27, 1981, the Veterans Administration published a proposed regulation to implement Pub. L. No. 96-342, § 1002.

Interested persons were given until February 25, 1981, to submit comments, objections, or suggestions to the proposed regulation. We did not receive any and, consequently, the proposed regulation is adopted without change.

The agency has determined that this regulation is nonmajor in accordance with Executive Order 12291, Federal Regulation. The agency has also

determined, as required by Pub. L. No. 96-354, the Regulatory Flexibility Act, that it imposes no compliance costs or reporting burdens on the public and has no effect on businesses or State and local governments.

Approved: April 8, 1981.

Rufus H. Wilson,
Acting Administrator.

1. In Part 3 § 3.12a is added to read as follows:

§ 3.12a Length of service requirement.

(a) *General.* Any person who enlists in a regular component of the armed forces after September 7, 1980, and who fails to complete at least 24 months of his or her original period of enlistment shall not be eligible to receive disability compensation based on the period of service of less than 24 months.

(b) *Exceptions.* The provisions of paragraph (a) of this section do not apply to the following persons:

(1) A person who was discharged under 10 U.S.C. 1173 (hardship discharge) before completing 24 months of service.

(2) A person who was discharged under chapter 61 of title 10, United States Code (disability discharge) before completing 24 months of service.

(3) A person who failed to complete at least 24 months of service if it is later established that the person is suffering from an injury or disease incurred in or aggravated during the period of service of less than 24 months provided that the injury or disease was not the result of the person's willful misconduct and was not incurred during a period of unauthorized absence. 10 U.S.C. 977

§ 3.13 [Amended]

2. Section 3.13(b) is amended by removing the reference "§ 3.3(d)(3)" and inserting "§ 3.3(b) (3) and (4)."

(FR Doc. 81-12273 Filed 4-28-81; 8:45 am)

BILLING CODE 8320-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A5 FRL 1805-1]

Approval and Promulgation of Implementation Plans; Ohio

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This notice approves an alternative compliance schedule for the Columbus and Southern Ohio Electric Company's Conesville power plant in

Coshocton County, Ohio. The compliance schedule incorporates the installation of a coal washing facility that will allow the utility to continue to use Ohio coal and meet its current sulfur dioxide (SO₂) emission limitation of 2435.0 nanograms of sulfur dioxide per joule (5.66 lbs. SO₂/MMBTU). EPA proposed approval of the schedule on November 7, 1980 (45 FR 73975).

Compliance with the Conesville SO₂ emission limitation was stayed until June 19, 1980 (45 FR 41501). EPA restarted the original compliance schedule for Conesville as of that date. 45 FR 73927 (November 7, 1980). The Agency is today approving the Conesville coal washing compliance schedule as an alternative to the original compliance schedule. Therefore, if the facility chooses to comply with its emission limitation by installing the coal washing facility, it will have to meet the interim dates set forth in the alternative schedule rather than those in the original schedule. However, the attainment date remains the same.

EFFECTIVE DATE: This final rule becomes effective April 29, 1981.

ADDRESSES: The docket for this revision, #5A-80-14 is on file at the Region V address given below and at the Central Docket Section, West Tower Lobby, Gallery 1, 401 M Street, SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Debra Marcantonio, USEPA, Region V, 230 S. Dearborn Street, Chicago, Illinois 60604, (312) 886-6088.

SUPPLEMENTARY INFORMATION: On June 29, 1978, the U.S. Court of Appeals for the Sixth Circuit remanded to EPA for its further consideration the Agency's use of the Pasquill-Gifford (P-G) dispersion coefficients in setting emission limitations for isolated rural sources in Ohio. *Cincinnati Gas and Electric Company v. EPA*, 578 F. 2d 660 (1978). On February 7, 1979, EPA solicited comment on its preliminary findings on the Class A issue. 44 FR 7798. The Agency stated in the February 7, 1979 notice that the Court's remand stayed compliance with the original emission limitations for four Ohio power plants, including the Conesville plant, pending the Agency's final determination.

On June 19, 1980, EPA published its final determination on use of the P-G Class A dispersion coefficients in setting emission limitations for the four Ohio plants (45 FR 41501). EPA found that the scientific data supported the Agency's original decision to use the P-G Class A coefficients. Thus, the Agency reaffirmed the emission limitations for the four plants on June 19, 1980. In order

to bring Conesville and the other plants into compliance, EPA restarted the original compliance schedules for these plants as of June 19, 1980 (45 FR 73927, November 7, 1980). Accordingly, the attainment date for these plants was revised to three years from June 19, 1980.

Columbus and Southern Ohio Electric (CSOE) first indicated its intent to meet the Conesville emission limitation by coal washing in February of 1979 during negotiations with the agency under section 125 of the Clean Air Act. After several meetings to discuss proposed schedules, CSOE finally submitted the terms of its coal washing program and a schedule to EPA on January 23, 1980. The coal washing program will allow CSOE to continue using Ohio coal and still meet its emission limitation. EPA reviewed the CSOE schedule and determined that it is as expeditious as practicable and provides for compliance within three years of approval. EPA proposed to approve the Conesville schedule as an alternative to its original schedule on November 7, 1980 (45 FR 73975). CSOE was the only commenter on the proposal. The issues raised in the CSOE comment are discussed below.

Issue: CSOE stated that the docket requirements of Section 307(d) of the Clean Air Act have not been followed. The commenter claimed that on November 14, 1980 there was no docket or record at Region V for the proposed CSOE Conesville coal washing schedule.

Response: On October 14, 1980 Docket 5A-80-14 for the CSOE Conesville coal washing schedule was established in the Region V office and a copy was forwarded to EPA's Washington office. Since that time the docket has been available for public review.

Issue: CSOE stated that three years is an unreasonably short period of time to achieve final compliance by coal washing. CSOE also stated that since achievement of the secondary NAAQS is the only issue, the Clean Air Act does not mandate compliance within three years, but within a "reasonable period."

Response: EPA based the proposed compliance schedule on factual data submitted by CSOE. In CSOE's letters to EPA, which are contained in Docket 5A-80-14, CSOE agreed to a three year compliance schedule. Additionally, CSOE submitted a technical study of coal washing systems in support of their request for a coal washing schedule. The study indicates that less than a three year schedule is adequate for the Conesville facility to achieve compliance. Based on these materials and EPA's own evaluation, three years is a reasonable period for compliance. In

addition, the original compliance schedule promulgated by EPA in 1976 was a three year schedule. This schedule was subject to judicial review as part of the litigation on the agency's SO₂ plan; however, none of the petitioners, including CSOE, challenged the 3-year schedule.

Comment: CSOE stated that no valid emission limitation has been promulgated for Conesville.

Response: On June 19, 1980, EPA reaffirmed the originally promulgated emission limitation for the CSOE Conesville facility (45 FR 41501). The source is now required to come into compliance with its original emission limitation. There is no need for the Agency to repromulgate an emission limitation for this facility, as suggested by CSOE. The current SO₂ emission limitation for CSOE Conesville is 2435.0 nanograms of sulfur dioxide per joule (5.66 lbs. SO₂/MMBTU). 40 CFR 52.1881(b)(21).

Comment: CSOE stated that a definitive compliance demonstration method was needed for Conesville. CSOE also stated that the only compliance demonstration method promulgated as a rule is the three hour method 6 stack test and this method presents a statistically unacceptable risk of noncompliance for washed coal at Conesville.

Response: The means of demonstrating compliance with emission limitations under the federally promulgated sulfur dioxide plan for Ohio has always been a stack test conducted in accordance with 40 CFR Part 60, Appendix A, Method 6. See 40 CFR 52.1881(b)(2). However EPA is currently reviewing the issue of sulfur variability and has established an interim enforcement policy until the results of that review are completed. The interim policy focuses the agency's enforcement resources on those sources that present the greatest environmental threat based on 30-day average coal analysis conducted in accordance with ASTM method D3176. 45 FR 9101 (February 11, 1980) and 45 FR 71422 (October 28, 1980).

Comment: CSOE stated that several of the early compliance milestones will have already passed by the time the schedule is finalized.

Response: The first four milestones in the schedule consist of planning steps that CSOE has already initiated and probably already completed. However, in order to make the schedule current, EPA has revised the dates of the early milestones to specified periods after promulgation of this schedule.

EPA is today approving the CSOE's coal washing compliance schedule as an

alternative to the original compliance schedule for the Conesville plant based on CSOE's stated intention to install a coal washing facility to meet its emission limitation. Approval of CSOE's coal washing schedule as an alternative to the original schedule means that if CSOE chooses to comply with its emission limitation by installing the coal washing facility, it will have to meet the interim dates in the coal washing schedule. If CSOE chooses not to install the coal washing facility, it will have to comply with the original compliance schedule. The attainment date remains the same. This action is being made immediately effective to enable the source to choose the alternate compliance schedule with ample time to meet the compliance date.

Under Executive Order 12291 (Order), EPA must judge whether a regulation is "major" and, therefore, subject to the requirements of a regulatory impact analysis. Today's action does not constitute a major regulation since it imposes no new regulatory requirements but merely approves an alternative compliance schedule requested by CSOE. This schedule will allow the company to continue to use Ohio coal. The company may elect to use the alternative or the existing schedule. This action was submitted to the Office of Management and Budget (OMB) for review as required by the Order. Any comments from OMB to EPA and any EPA response to these comments are available for public inspection at the Region V EPA office listed above.

Under Section 307(b)(1) of the Clean Air Act, judicial review of this final action and supporting record is available only by the filing of a petition for review in the United States Court of Appeals for the Sixth Circuit within 60 days of the date of this publication. Under Section 307(b)(2) of the Clean Air Act, the requirements which are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

(Sec. 110, Clean Air Act as amended, 42 U.S.C. Sec. 7410)

Dated: April 23, 1981.

Walter C. Barber, Jr.,
Acting Administrator.

Part 52 of Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

Subpart KK—Ohio

1. Section 52.1882 is amended by adding paragraph (i) as follows:

§ 52.1882 Compliance schedules.

* * * * *

(i) If the owner or operator of the Columbus and Southern Ohio Electric Company's Conesville plant in Coshocton County elects to comply with the emission limitation set forth in § 52.1881(b)(21) by installing a coal-washing facility, the owner or operator shall meet the following compliance schedule in lieu of meeting the compliance schedule set forth in § 52.1882(b).

(1) 4 weeks from date of promulgation of this schedule: Notify the Administrator of intent to use washed coal to comply with sulfur dioxide emission limitations for the Conesville steam plant; submit a projection for ten years of the amount of coal necessary to enable compliance at this facility; submit the quality specifications of the fuel that is to be used. Such specifications shall include sulfur content, ash content, heat and moisture content.

(2) 8 weeks from date of promulgation of this schedule: Submit data to the Administrator demonstrating the availability of fuel necessary to achieve compliance at the Conesville steam plant. Such data shall consist of copies of signed contracts with coal suppliers and/or signed contracts with a vendor pursuant to which the utility shall construct a coal preparation facility; submit statement to the Administrator as to whether boiler modifications at the Conesville steam plant will be required for combustion of the prepared (washed) complying coal. If boiler modifications are required, submit plans for such modifications.

(3) 8 weeks from date of promulgation of this schedule: If a coal preparation facility is to be constructed by the utility for preparing all or a portion of the fuel for combustion at the Conesville steam plant, submit to the Administrator a plant detailing actions to be taken to ensure completion of construction and startup in sufficient time to provide complying fuel for the final compliance date.

(4) 52 weeks from June 19, 1980: Complete engineering and specifications for the coal preparation facility.

(5) 64 weeks from June 19, 1980: Award contract for construction of the coal preparation facility providing incentives to the contractor to expedite the project.

(6) 108 weeks from June 19, 1980: Initiate on-site construction of the new coal preparation facility.

(7) 152 weeks from June 19, 1980: Complete construction of the coal preparation facility.

(8) 52 weeks from June 19, 1980: Submit to the Administrator a

continuous monitoring plan detailing the equipment to be installed, equipment locations, and data reduction techniques as well as schedule of installation.

(9) 104 weeks from June 19, 1980: Complete installation and certification of sulfur dioxide monitors on stacks 1, 2 and 3 at the Conesville steam plant.

(10) 152 weeks from June 19, 1980: Complete any necessary boiler modifications to the Conesville steam plant units 1-4.

(11) 156 weeks (three years) from June 19, 1980: Achieve and demonstrate compliance at units 1-4 of the Conesville steam plant with the applicable emission limitation in § 52.1881 of this chapter.

[FR Doc. 81-12634 Filed 4-28-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[BC Docket No. 80-246; RM-3614]

Radio Broadcast Services; FM Broadcast Station in Hertford, N.C.; Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns FM Channel 285A to Hertford, North Carolina, as that community's first FM assignment, at the request of Perquimans County Broadcasters.

DATE: Effective June 9, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: April 10, 1981.

Released: April 21, 1981.

In the Matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Hertford, North Carolina). BC Docket No. 80-246 RM-3614.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 41171, published June 18, 1980, proposing the assignment of FM Channel 285A to Hertford, North Carolina, as that community's first local aural service, at the request of Perquimans County

Broadcasters ("petitioner"). Petitioner filed comments supporting the assignment and stated that if the assignment is made, it will promptly apply for authorization to build and operate a station in Hertford. No comments opposing the assignment were received. As stated in the *Notice*, Channel 285A can be assigned to Hertford in compliance with the minimum distance separation requirements, provided the transmitter site is located approximately 1.6 kilometers (1 mile) east of Hertford.¹

2. Hertford (pop. 2,023),² seat of Perquimans County (pop. 8,351), is located approximately 200 kilometers (125 miles) northeast of Raleigh, North Carolina. Hertford currently has no local aural service.

3. Petitioner has submitted persuasive information with respect to Hertford and its need for a first local FM assignment.

4. The Commission believes that it would be in the public interest to assign FM Channel 285A to Hertford, North Carolina. Interest has been shown for its use and the assignment would provide the community with its first local aural broadcast service.

5. Accordingly, IT IS ORDERED, That effective June 9, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED with respect to Hertford, North Carolina, as follows:

City	Channel No.
Hertford, N.C.	285A

6. Authority for the action taken herein is contained in Sections 4(i), 5(d)(1), 303 (g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

[Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303]

¹ The assignment of Channel 285A to Hertford, conflicts with a petition for rule making, filed July 29, 1980, proposing the substitution of Channel 284 for Channel 285A at Havelock, North Carolina (RM-3731). We have determined that a site restriction on the proposed Havelock substitution will avoid the separation conflict. Thus, we shall propose such a site restriction in the Havelock proceeding.

² Population figures are taken from the 1970 U.S. Census.

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-12634 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[BC Docket No. 80-430; RM-3577]

Radio Broadcast Services; FM Broadcast Station in Greybull, Wyoming, Changes Made in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action assigns Class C FM Channel 262 to Greybull, Wyoming, as that community's first FM assignment, at the request of Robert D. Zellmer.

DATE: Effective June 22, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

SUPPLEMENTARY INFORMATION:

Report and Order (Proceeding Terminated)

Adopted: April 21, 1981.

Released: April 27, 1981.

In the matter of Amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations. (Greybull, Wyoming); BC Docket No. 80-430 RM-3577.

By the Chief, Policy and Rules Division:

1. Before the Commission is a *Notice of Proposed Rule Making*, 45 FR 27905, published August 8, 1980, proposing the assignment of either Class C FM Channel 262 or Class A Channel 261 to Greybull, Wyoming, at the request of Robert B. Zellmer ("petitioner"). Petitioner submitted comments supporting the assignment of Channel 262 to Greybull, and stating that he would apply for either channel but clearly urging the assignment of the Class C channel. No oppositions to the proposal were received.

2. Greybull (population 1,953),¹ in Big Horn County (population 10,202), is located approximately 456 kilometers (285 miles) northwest of Cheyenne, Wyoming. Greybull is currently served

¹ Population figures are taken from the 1970 U.S. Census.

by daytime-only AM Station KMMZ, which is licensed to petitioner.

3. In the *Notice*, we asked petitioner to indicate whether channels were available for assignment to the communities which would be precluded by assigning Channel 262 to Greybull. Petitioner responded by providing a detailed qualitative discussion of the existing aural services receivable in the precluded communities, but did not offer alternative channels available for assignment. Regarding those precluded communities which have no FM assignments currently, petitioner opines that because the communities are very small, they probably lack the economic base necessary to support a broadcast station. We also stated in the *Notice* that, absent a showing of significant first and second service to unserved and underserved areas, Class C channels are not generally assigned to communities as small as Greybull. We therefore asked petitioner to submit information concerning the amount of first and second service which would be provided by the proposed Class C channel at Greybull. Again, petitioner submitted no quantitative data but instead presented subjective information concerning aural services which can be received in various portions of Big Horn County. Petitioner concludes that Greybull and Big Horn County are definitely underserved in terms of signal availability.

4. Although petitioner failed to provide the information requested in the *Notice* and did not present any explanation why the information was not forthcoming, we have decided to assign Class C Channel 262 to Greybull. Information submitted to the Commission in other proceedings indicates that sufficient additional channels are available for assignment in the area so that preclusion should not be a significant problem. As to first and second service areas, a staff study indicates that a Class C assignment to Greybull would provide a first FM service to a very large geographic area. Because the area is sparsely populated, the number of persons receiving a first FM service appears to be small. However, persons living in these areas are not likely to receive local service because the communities to which such channels could be assigned to probably too small to support their own stations and therefore, interest in new stations in this area is not anticipated. Thus, high-power Class C stations may be the only means by which persons living outside the larger communities would receive FM service. This provision of service to unserved areas clearly serves the public

interest and fully justifies assigning a Class C channel to Greybull. We believe this result is appropriate notwithstanding petitioner's failure to provide the data requested of him. Denying the requested assignment due to petitioner's procedural deficiencies is not an appropriate response, where, as here, a finding has been made that a significant public interest benefit will result from making the assignment.

5. Accordingly, IT IS ORDERED, That effective June 22, 1981, the FM Table of Assignments, § 73.202(b) of the Commission's Rules, IS AMENDED, as follows:

City	Channel No.
Greybull, Wyo.	262

6. Authority for the action taken herein is contained in sections 4(i), 5(d)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

7. It is further ordered, that this proceeding is terminated.

8. For further information concerning this proceeding, contact Michael A. McGregor, Broadcast Bureau, (202) 632-7792.

(Secs. 4, 303, 48 stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Federal Communications Commission.

Henry L. Baumann,

Chief, Policy and Rules Division, Broadcast Bureau.

[FR Doc. 81-12864 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Kangaroos; Final Rule To Permit Commercial Importation

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of final rule.

SUMMARY: When the red kangaroo (*Megaleia rufa*), the eastern gray kangaroo (*Macropus giganteus*) and the western gray kangaroo (*Macropus fuliginosus*) were listed as Threatened on December 30, 1974, the United States imposed a ban on the commercial importation of these species (including their parts and products) until the Australian states could satisfy certain conditions. These Australian states have now established, to the Service's

satisfaction, that their management programs are effective and that commercial importation of kangaroos (and their parts and products) will not result in detriment to the species. Therefore, the Service is permitting, through this rule, commercial importation of red, eastern gray and western gray kangaroos, and their parts and products.

DATES: The rule becomes effective on May 29, 1981.

ADDRESSES: Questions concerning this rule may be addressed to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials relating to the action are available by appointment for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 N. Glebe Road, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT:

Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:

Background

On June 16, 1980, the Service published in the *Federal Register* (45 FR 40958), a proposed rule to permit the importation for commercial purposes of eastern gray, western gray and red kangaroos (including, parts and products such as raw or tanned hides). The ban on the commercial importation of these kangaroos was imposed on December 30, 1974, when they were listed as Threatened species pursuant to the Endangered Species Act of 1973. At that time, it was stated (50 CFR 17.40(a)(1)(i)(B)) that:

Upon receiving from the Australian Government a certificate that (1) a particular Australian state has developed an effective sustained-yield management program for such wildlife and (2) the taking of such wildlife in that state will not be detrimental to the survival of the species or subspecies of which such wildlife is a part, the Director may, consistent with the purposes of the Act, permit by publication in the *Federal Register* the commercial importation of any such wildlife originating from the state * * *

The Service feels that the Australian states have now met the conditions for resuming commercial trade with the United States and is therefore permitting the commercial importation of kangaroos from these states. The action is based on the best scientific and commercial data available and will remain in effect for a least a two year period from the effective date of this

rule. At the close of this period, the Service will review again the entire situation and determine at that time whether the importation ban should be reimposed to conserve the kangaroos.

Summary of Data Pertaining to Resumption of Commercial Trade

Most of the data which follow in this section are taken from Poole (1978) and Anderson (1980). The factors which move the Service to permit resumption of commercial trade in kangaroos are those outlined in 50 CFR 17.40

(a)(1)(i)(B). These are:

(1) *The Australian States (New South Wales, Queensland, South Australia and Western Australia) have developed effective sustained-yield programs for the kangaroos.*

Poole (1978) summarized the kangaroo management programs of the four involved Australian States as follows:

Queensland

All 24 species of the Macropodidae found in Queensland are protected by law. Open seasons may be granted for eight abundant species: the red kangaroo, eastern gray kangaroo and to a lesser extent the eastern wallaroo, the whip-tail wallaby (*Macropus parryi*), the red-necked wallaby (*M. rufogriseus banksianus*), the black-striped wallaby (*M. dorsalis*), the agile wallaby (*M. agilis*), and the swamp wallaby (*Wallabia bicolor*).

Management programs include assessment of land use and habitat in relation to distribution and number, and evaluation of a reserve sanctuary system. Continuous monitoring of kangaroo populations and the annual determination of safe harvesting levels are undertaken to ensure maintenance of stable equilibria within populations. Such stability is reflected in the detailed records of annual harvests. Apart from short-term seasonal fluctuations, no adverse downward trends in the size of the harvest have been observed over many years. There has been no significant change in the persistence of any exploited species within its known area of distribution and no changes either in the proportion of young to old animals or in the number of females relative to males.

Shooters require a permit, and are restricted to a particular "fauna district," within which they must declare their area of operation and hold written permission from the landholders on whose properties they shoot. Dealers, whether for skins or carcasses or both, must be registered, and the number and location of their premises are controlled. The total number of sites is determined annually but may not exceed 80.

Official, serially-numbered tags are purchased from the state fauna authority and must be attached to all kangaroos taken, the annual quota being controlled by the number of tags issued. Permits are also required for movement of skins and carcasses within the state or other states. Both dealers and shooters are required to keep records and submit returns indicating the species and numbers of kangaroos handled by them. Dealers must provide returns monthly and shooters annually or on demand.

New South Wales

The State is divided into a number of management zones. Of these, several embracing an area of more than one-third of the State, are closed to commercial shooting. All species of kangaroos are protected by law but red kangaroos, both species of gray kangaroos, the wallaroo and occasionally small numbers of red-necked and whip-tail wallabies may be taken under license if investigations of compliants show that damage to property, e.g., pasture, crops, fence, is occurring or is likely to occur. With each license authorizing the shooting of protected fauna, the Service issues cloth tags equal to the number of animals to be taken. These tags bear a code and serial number which identify the zone, shooter and property.

If kangaroos are to be used commercially, the landholder may obtain a commercial license or more usually a licensed professional shooter may be engaged. Such shooters are limited in number and restricted to a particular management zone. Minimum weight limits apply to carcasses which may be legally taken. Currently these weights are 16 kg (35 lb) for red kangaroos, 12 kg (25 lb) for gray kangaroos and 13 kg (28 lb) for wallaroos. (One public comment stated that these minimum weights have been abolished). However, very few wallaroos are taken. Special permission must be sought by individual shooters if skins alone are taken for sale. Minimum lengths of skins then apply. The length taken in the mid-dorsal line, from square with the base of the tail, must be not less than 915 mm (36 in) for red and 813 mm (32 in) for gray kangaroos. A numbered, nylon locking tag on which a royalty has been paid must be used to attach the previously issued cloth tag to each carcass or skin, if it alone is taken. Both tags must remain attached to a carcass or skin until they are processed by a wholesaler licensed to purchase kangaroos exclusively from shooters operating in an allocated area. The wholesalers must register their premises. Wholesalers and retailers

trading in kangaroo meat or products are required to keep records of all transactions on prescribed forms subject to inspection.

Management programs include classification of land use and habitat and evaluation of reserves in relation to the needs of fauna. An attempt to monitor levels of harvest by utilizing data on age structure of the population was to an extent successful, but was abandoned when more staff and assistance from universities and other bodies permitted direct assessment of the size of kangaroo populations and the determination of safe harvesting levels. Particular emphasis has been placed on aerial surveys, but where the density of vegetation rendered this impossible, counts along ground transects have been undertaken.

Note.—New South Wales has had aerial surveys in four of the past five years and continues to survey their commercial zone on an annual basis. No ground transects are currently being run to estimate population size—Anderson, 1980.

South Australia

All species of kangaroos are protected by law, but may be taken under permit when damage to crops, stock, or improvements to the environment can be demonstrated. No open seasons are proclaimed, and permits are issued only for the red kangaroo, western gray kangaroo, the euro, and in limited numbers the Tammer wallaby (*Macropus eugenii*) when it causes damage on Kangaroo Island.

Commercial hunting of kangaroos is permitted only in 25 percent of the state in a strip of land running west to east through pastoral lands in the center of the state. Kangaroos taken under permit in the area where commercial hunting is permitted may be sold to registered processors or skin dealers nominated by the landholder, as a "trade carcass", meaning the whole body from which the head, viscera, and forelimbs from the elbow and hind legs from the knees have been removed, and which retains no more than 15 cm of the tail. Permission may also be granted to sell the carcass as a "trade butt", defined as a trade carcass from which the flesh and bones but not the skin have been removed above the region of the first lumbar vertebra.

Regulations provide that minimum weight limits may be applied to both trade carcasses and trade butts. Such limits, though not invoked to date, may be declared by notice published in the South Australian Government Gazette and relate to animals for which a royalty has been declared payable and

which have been taken in a specified part of the state. The weight may be varied according to the species and the notice may specify any other conditions, restrictions or limitations which shall apply in relation to a weight limit.

Regular assessment of populations of kangaroos and of their distribution in relation to habitat is undertaken primarily by ground surveys in the area where commercial harvesting is permitted. Some aerial surveys already have been undertaken and more are under consideration.

Note.—Aerial surveys were run in 1978 and 1979 and will run annually in the future. No ground surveys have been run since 1978—Anderson, 1980.

Regardless of the numbers present, an upper limit for harvest of 80,000 for the whole State is imposed but this is not set as a target to be achieved and may not be reached. All applications for permits are checked against periodic reports prepared by district rangers. The reports are based on thorough surveys of selected properties, which are then related to other district properties by more general inspection when property size, stocking rates and information from previous inspections are considered in the recommendation of a maximum permit allocation. No permit is issued for a greater number than applied for even if it is below the number recommended by the ranger. If a permit is granted within northern pastoral areas, only a specified quota of animals in excess of a declared minimum density, one per square km, may be removed, while within southern agricultural areas and depending on the extent of proved damage a proportion of those animals present in the areas may be taken.

Property owners with permits to take kangaroos may permit only licensed shooters to take the animals on their behalf and must provide them with written permission. All animals utilized for commercial purposes must bear a sealed tag issued by the fauna authority on payment of a royalty. All licensed persons associated with the taking and processing of kangaroos must keep up-to-date records of all transactions and furnish returns as required.

Western Australia

All wild vertebrate fauna is protected until otherwise declared by the state's Minister for Fisheries and Wildlife. Open seasons may be declared for red kangaroos in the pastoral zone where large populations have built up following changes in pasture composition and provision of watering points associated with land use by

domestic stock. The aim of management is to ensure continuation of self-perpetuating populations of kangaroos throughout their preferred range, and to this end populations are assessed by ground and aerial surveys and are monitored for age structure, reproductive success, sex ratios, and hunting success per unit effort.

A commercial industry is used as a tool of management and is regulated through the licensing of hunters and processors. The number of animals taken is limited by the issue each season of serially numbered tags which must be attached to each carcass.

Gray kangaroos may be taken only under the terms of a damage mitigation license issued following a fauna officer's report on the damage and on the number of kangaroos. In some areas if kangaroos are troublesome a limited open season may be declared, in which case a landholder may shoot kangaroos provided the carcasses or skins are not sold, and the district fauna office is informed. The fauna officer may then examine the situation and may order the operations to cease.

If there is intention to sell the animals culled, the landholder must obtain a license and tags for the number of kangaroos which the fauna officer authorizes to be killed. The landholder may authorize a licensed shooter to take the animals on his behalf, but the shooter is restricted to private property and the number of animals may not exceed the supply of tags provided by the fauna officer.

In addition to the above information from Poole, the Service has information from Dr. David Anderson, Leader, Utah Cooperative Wildlife Research Unit, who visited Australia early in 1980, to investigate the kangaroo situation at first hand for the Service. Anderson (1980) reports that, in general, each of the four states has an extensive management program for the kangaroos in question. He says that although the Poole report is only two years old, several important advances have been made in the management programs since that time. The most important of these is that South Australia has now instituted aerial surveys of kangaroo abundance and incorporated the results directly into their management program for establishing harvest quotas and controlling the spatial distribution of the harvest. Otherwise, Anderson reports that his findings are in complete agreement with those of Poole. In addition Anderson states:

There is good coordination among the Australian states via the Council of Nature Conservation Ministers (CONCOM) representing both State and Federal interests

and responsibilities. The Australian National Parks and Wildlife Service reviews and coordinates all recommendations concerning harvest quotas suggested by individual states. A standardized, mandatory tagging system is in effect in all four states. This tagging system insures control of the harvest and restricts the harvest to a particular state (even to regions within the state of N.S.W.). Enforcement is easy and effective because the numbered tags must be attached to the harvested animal. Each state requires regular reporting by all parties involved in the commercial harvest. Cross checks, by specific tag numbers, are made to police the system. Import permits and export permits control the interstate shipment of hides and meat among states in Australia. An import permit must be secured before a state can issue an export permit. Harvested animals must be tagged at all times.

Enforcement of the commercial harvest is adequate at all stages (this is not to say that violations are rare or that all are found by enforcement agents). Enforcement is greatly facilitated at all stages by the standardized tagging system. The relatively few chiller boxes and skin/meat processing plants facilitate repeated inspection by enforcement personnel. Skin (only) dealers are more difficult to police and have less to lose if they are found in violation and their license is revoked. All states are moving away from skin-only operators.

(2) *The Australian states have adequately shown that taking of the three species of kangaroos in question for commercial purposes will not be detrimental to the survival of the species.*

Overall data obtained by Anderson (1980) provide the following population estimates for the Australian states which expect to commercially export kangaroo hides to the United States: New South Wales, 5,000,000; Queensland, 25,000,000; South Australia, 1,400,000; Western Australia, 1,125,000. Of these estimates, only those of New South Wales and South Australia are based on extensive aerial surveys. The other states have not done complete aerial surveys because of the greater areas involved, the complex habitats that need to be covered, or the prohibitive expense of such surveys. They depend instead on other techniques such as annual hunter take or extrapolation from the New South Wales estimate, although Queensland has been the subject of two partial surveys. Anderson feels, and the Service concurs that the estimates for these other states, however, are reasonable. The above then provide an overall adult population of some 32,000,000 kangaroos in the four states. Basically the estimate of 32 million kangaroos in the four states is very conservative. The 5 million kangaroos in New South Wales represents merely the estimate of the

number that occurs in the commercial zone. The remaining $\frac{1}{2}$ of New South Wales has never been surveyed and does not contribute to the 5 million shown. Seven million would certainly be a realistic number for the state as a whole. The 1.4 million in South Australia also relates to only the commercial zone; this is about $\frac{1}{4}$ of the state. South Australia is very dry and not particularly fine kangaroo habitat, but 600,000 for the remaining $\frac{3}{4}$ of South Australia seems very conservative. These minor adjustments bring a reasonable total to slightly over 35 million in the four states. The survey program, of course, does not count the young in the pouch which would be a significant figure. Therefore, *they are surveys only of the adult segment of the population*. Thus, the Service's opinion is that these figures make it clear that an estimate of 32 million kangaroos is indeed conservative.

The kill quota for 1980 has been set nationwide in Australia at 2.8 million. This kill quota is based on population estimates and is distributed among the various states so that conservation of the kangaroos is insured. Given the population estimates cited in Anderson (1980), the Service feels that the kangaroos could sustain themselves at that level of take, barring any new, unforeseen human or natural pressures, and that the commercial take will not be detrimental to the three species. It should be noted that although the nationwide quota for kangaroo harvest is 2.8 million, the actual harvest will probably be less than that. In recent years, the quotas have not been approached by a significant margin. Because of the possibility, however, of unforeseen human or natural pressures, the Service feels that the quota must be watched closely and the situation monitored to protect against such unforeseen pressures.

Anderson (1980) sums up his review of the commercial harvest of kangaroos as follows:

Exploitation of kangaroos has taken place for well over a century in Australia. Before a commercial industry was established to utilize the products (meats and hides), kangaroos were shot and poisoned and left in the field. Poole (1978) states that in one state alone, some 2 million dollars were paid in bounties and government subsidies for 26 million scalps over a period of 40 years prior to 1917. In the past $\frac{3}{4}$ century, Queensland alone has harvested tens of millions of kangaroos. The harvest in recent years has continued to be large (approximately 570,000, 750,000 and 900,000 in 1977, 1978, and 1979, respectively). This is essentially *prima facie* evidence that a long-term, sustained harvest can be taken from kangaroo populations. Even though 900,000 kangaroos is a large

number of animals, it is only 3 to 4.5% of the population (i.e., the harvest rate is 0.03 to 0.045). Furthermore, this level of harvest has only been exceeded in 6 of the past 20 years.

Rationale for Permitting Commercial Trade

One criticism which has been raised repeatedly during this finding is that the import of a threatened species on a commercial scale is inconsistent with the conservation mandate of the Endangered Species Act of 1973, with respect to threatened species. This criticism fails to recognize both the current status of kangaroos as well as the intent of Congress in creating a two-tiered system of classification in the Act. The Act's disparate classification of species as Endangered or Threatened is a congressional response to the number and complexity of factors which bear upon a species' survival and represents an authorization to develop a broad range of conservation programs which can be adjusted to individual Threatened species. In this way, regulatory mechanisms may be tailored to the needs of the Threatened species.

The critical section of the Act with respect to kangaroos is Section 4(d) which directs the Secretary to "issue such regulations as he deems necessary and advisable to provide for the conservation of such Threatened species." Thus, Congress did not create automatic prohibitions on taking of Threatened species as it did for Endangered species but placed authority in the hands of the Secretary to do what was necessary and advisable.

The legislative history of the 1973 Act is replete with references to the need for flexibility and for a listing process whereby wildlife and plants which were in precarious circumstances, but not yet Endangered, could be identified and given some measure of protection under the Act. This was the basis for the Threatened species classification and the legislative history clearly shows that species which are only "Threatened" were not to be automatically covered by the same rigid prohibitions against taking which applied to Endangered Species. It was recognized by Members of Congress, and by this Department, that "taking" and commercial trade could be permitted for a particular Threatened species if the facts so warranted. Thus, in exercising his regulatory flexibility and discretion under Section 4(d), the Secretary could publish regulations for a given Threatened species which ranged from imposing a total ban on all taking to allowing regulated or commercial harvests, assuming that such regulations were deemed necessary and advisable

for the conservation of the species. In discussing Section(d), the House Report, No. 93412, 93rd Congress, First Session, July 27, 1973, stated:

Once an animal is on the threatened list, the Secretary has an almost infinite number of options available to him with regard to the permitted activities for those species. He may, for example, permit taking, but not importation of such species, or he may choose to forbid both taking and importation but allow the transportation of such species.

There are other similar statements both in the legislative history and in the statements of this Department before Congress. Based on this statutory provision, legislative history, and its own consistent interpretation and administration of the Act, this Department has allowed the taking of a number of Threatened species under various circumstances and will now allow the import of kangaroo products.

A criticism of this approach which has been raised is that it conflicts with the Act's definition of conservation:

To use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Some commentators have suggested that this definition of conservation, read in conjunction with Section 4(d), prohibits the taking of Threatened species except for extraordinary circumstances of population pressure which cannot be relieved in any other way. This interpretation, however, effectively eliminates any difference in the two classifications and completely defeats Congress' purpose of creating the Threatened category of species which were not Endangered and which could be subject to more flexible controls. It is also significant to note that the proposed action does not involve authorization for taking of kangaroos by the Secretary since he has no such power under the Act to control taking in a foreign country. (See Conference Committee Report, House of Representatives No. 93-740, 93rd Congress, First Session, December 19, 1973, page 27.)

In the Service's opinion, it is more reasonable to read the extraordinary population pressure portion of the

conservation definition as simply one in a continuum of management and conservation options available for the protection and conservation of Threatened species. Thus, the commercial import of a Threatened species could be authorized even where such extraordinary population pressures do not exist. Any other conclusion undermines the flexibility intended for the Threatened classification. The Service is acting pursuant to the intent of Congress as set out in the Act and legislative history, and pursuant to an interpretation this Department has given the Act and kangaroo regulations for 7 and 5 years, respectively.

At most, there is a tension between Section 4(d) of the Act and the concept of Threatened species as distinct from Endangered, and the definition of "conservation" in the Act and the Conference Committee, House Report No. 93-740, 93rd Congress, First Session, December 19, 1973. Congress obviously wishes to allow flexibility in dealing with Threatened species and stated so repeatedly, yet arguably inadvertently defined the term conservation so as to defeat that purpose. In such circumstances, it is up to the agency charged with implementation of a statute to provide an interpretation. This Department's interpretation, outlined above, is entitled to deference and is intended to satisfy all of the purposes and policies of the Act.

Furthermore, it is significant to point out that even if Interior's interpretation of its regulatory authorities under Section 4(d) were rejected and the restrictive interpretation of the commenters accepted, commercial import of kangaroo products could still proceed because of the population pressures which currently exist in Australia for this cyclical animal. In the Service's opinion, the three species of kangaroos in question do provide the "extraordinary case" under the definition of "Conservation" in the Act.

These kangaroos are extremely abundant in some areas; they outnumber the human population of the country by a ratio of possibly more than three to one. They are grazing animals and hence competitors with livestock for food as well as water. Ranchers in general do not want them because of this competition, and in the past have resorted to such drastic measures as indiscriminate poisoning in order to reduce their numbers. The Australian government now prohibits by law such activities by ranchers, but must have recourse itself to other measures of control in order to prevent mass unregulated killing. Customary control

measures, such as live-trapping and transplanting, or even systematic hunting or lethal trapping by game agents, are impossible to undertake on the scale needed for relief. On the other hand, to allow ranchers themselves simply to legally kill the kangaroos would not permit for sufficient control or data necessary for population management. Therefore, a system which allows for a regulated commercial harvest by licensed private hunters seems to be the only feasible way to control populations and at the same time to avoid the excessive costs, impracticality, and the possibility of abuses, that are inherent in other control methods.

Threatened Status for the Kangaroos

Given the fact that kangaroo populations appear to be abundant at present in Australia, the question arises as to whether they can be legitimately regarded as Threatened pursuant to the Act. In its June 16, 1980, proposal (45 FR 40958) the Service outlined its reasons for maintaining these kangaroos as Threatened while at the same time acknowledging that their numbers were so great as to require control through a commercial harvest. Briefly, the Service reasons as follows:

Kangaroos are commercial commodities that are, and will continue to be, utilized in world trade. In the past, all three species under consideration have been overexploited in various areas, and in the opinion of some, this condition could occur again. In addition, all three species are cyclical in nature, and may experience periods of great abundance and then decline again to periods of relative scarcity. Given these facts, and the facts that none of these species are subject to any international trade control, the Service feels that the prudent course of action is to continue a classification of Threatened under the Act so that should any unforeseen catastrophe occur (prolonged drought, increased illegal poaching, etc.), action could be taken immediately to close down commercial trade with the United States. The Service feels that the Threatened classification thus is warranted because of the susceptibility of these animals to overexploitation and because of the difficulty in predicting the severity and damage that might be caused by natural or man-made factors affecting them. More information on these factors can be provided by the regulatory systems set up by the States for management of the kangaroo populations and the kangaroos' status will be monitored by the Service.

Summary of Comments and Recommendations

The original comment period for the proposal closed on July 16, 1980. Subsequently, as a result of a petition, the Service held a public hearing on the

proposal, and reopened the comment period from September 16 until October 1, 1980. Comments received at the public hearing and during the reopened comment period are discussed under a separate section later in this document. The present section deals only with those comments received during the original comment period of June 16, 1980, to July 16, 1980.

During the original comment period, 112 letters were received. Of these, 12 favored the proposal; 100 were in opposition. Of the 112 comments received, 105 offered no new data or insights into the situation but were essentially pleas for or against lifting the ban. Some of these pointed out the extreme cruelty often associated with hunting kangaroos; others stressed the notion that kangaroos are so abundant that they are approaching plague proportions. At any rate, none provided substantive data that could be used in formulating this final rule.

Certain letters contained major issues that need to be addressed individually. These were the following:

Defenders of Wildlife—In a letter dated July 16, 1980, this group made the following points: (1) That the action is inconsistent with the conservation mandate of the Act to allow mass commercial importation of a threatened species; (2) that the "Service has not made a finding as required by the Endangered Species Act that killing of kangaroos should be encouraged and condoned;" (3) that the "benefits claimed for the program may not exist and are irrelevant to statutory mandates." Defenders legal contentions are among those addressed above in the discussion of the Act and the conservation mandate of Section 4. In addition, the Service responds that: (1) These kangaroos represent the unusual case where a species may be Threatened because of demonstrated vulnerability to potential threats, yet occur at the present time in such numbers as to require control measures. These animals are potentially important commercial commodities that have been reduced in the past through widespread exploitation, prolonged droughts, and illegal hunting. Given the lack of international trade control, and the possibility of unforeseen environmental or other catastrophes, these factors are still of sufficient import to require the continued Threatened classification. At the same time, however, the Service acknowledges that the present numbers of these animals are high, and that they are a nuisance in many areas. In order to protect them to the maximum extent possible from illegal and excessive

hunting by ranchers, the Service feels that a regulated and controlled hunt is warranted. As explained earlier, this is best achieved through commercial harvest and state management. (2) The Service has found that there are probably in excess of 32,000,000 red and gray kangaroos in the Australian states as discussed above. Ranchers and farmers report time and again to Australian authorities, and to the Service, that these animals are in plague numbers in many areas. To live trap and transplant these kangaroos into other parts of the country is prohibited by biological factors (kangaroo mortality is high during such trapping operations) and by the great expense involved in such operations. It has been suggested by some that the various states could hire rangers to shoot kangaroos and that the kangaroos should be left in the field with no use made of the hide or carcass. This control method also has the disadvantage of being excessively expensive and impractical, and seems to present an unwarranted waste of resources. Other methods of control would involve mass poisoning or indiscriminate shooting. A regulated harvest, as envisaged by the states' management plans, is superior to any of the above and, in addition, this constitutes under the Act "the extraordinary case where population pressures within a given ecosystem cannot otherwise be relieved." (3) The benefits claimed for permitting the commercial importation of kangaroos and/or parts into the United States do exist. The Service contends that the alternative to a regulated commercial harvest is indiscriminate wholesale killing of kangaroos which could be extremely detrimental to the survival of the three species and which would deprive the Australian states of needed harvest and population data provided pursuant to existing management plans.

Monitor—In a letter (26 pages) dated June 16, 1980 (the date is apparently incorrect—as the proposal was published on such date, and the letter was received at Interior on July 16, 1980), this organization made essentially the following points: (1) That it is unprecedented for the Service to propose maintaining a species as threatened under the Act, while at the same time allowing the import of large numbers of these threatened species for commercial purposes; (2) that the Service failed to provide specific data on each of the three species involved, but rather spoke in general terms of "kangaroos;" (3) that Dr. Anderson's findings and recommendations are suspect because of the limited time he

spent in Australia and because most of his contacts there were biased; (4) that some Australian scientists oppose lifting the ban; (5) that two scientists within the Service's Office of Endangered Species had on two occasions written memoranda opposing lifting the ban; (6) that habitat loss is a major threat to the kangaroo's survival; (7) that lack of law enforcement capability provides a threat to the species; and (8) that lack of knowledge of the effect of drought on kangaroo populations is a major shortcoming of any action to permit commercial import.

Responses to the above are as follows: (1) This point has already been fully discussed in response to the comments of Defenders of Wildlife above; (2) this point is not correct. In South Australia, Grigg and Caughley (1979) estimate, through aerial counts, that there are in excess of 1,000,000 red kangaroos and 215,000 gray kangaroos in that State. In 1977, Caughley *et al.* estimated that there were over 2,000,000 red kangaroos and 1,500,000 gray (both eastern and western) kangaroos in New South Wales. In fact, virtually all of the data collected on the problem exist for each of the three species. For example, the reports of survey results cited by Anderson give population size estimates and their sampling variances by species for each year.

This is true in both South Australia and New South Wales. In all four states kill quotas are set by species. In all four states the kill is determined and recorded by species. The import and export program and the movement of skins and carcasses within a state are controlled, monitored and recorded species by species. In general, there is no reason to believe that one or the other of the species is decreasing alarmingly, or that one or the other will necessarily be more vulnerable to commercial harvest. The Service, therefore, does not believe that there is any reason at this time to alter its proposal. (3) Dr. Anderson is a trained populations biologist who went to Australia fully aware that the issue was emotional and that there would be efforts to influence him from all sides. He is fully convinced, however, that the period he spent in Australia was sufficient for him to make an objective appraisal of Australian state management plans and survey procedures, which was the purpose of his visit. In addition, Dr. Anderson's itinerary, attached to his report, shows that he met with spokespersons for disparate positions, including members of the Australian Kangaroo Protection Committee (KPC). In fact, Dr. Anderson

specifically requested such a meeting as part of his trip. He also met with Mr. Milo Dunphy of the Australian Conservation Foundation whom the KPC has described as "a highly respected conservationist." Dr. Anderson did not visit Australia to conduct population surveys. (4) Monitor cites two Australian scientists who were opposed to lifting the ban but the statements and qualifications cited by Monitor are inadequate to outweigh Dr. Anderson's findings. Dr. Anderson reports: "Although I repeatedly asked, I could not find a single biologist, trained to an advanced degree and having experience in Australia, that believed the current ban had any validity or was a constructive influence." (5) The two scientists in question, within the Service's Office of Endangered Species, claimed by Monitor to be in opposition to lifting the ban, wrote the memoranda cited before Dr. Anderson's visit to Australia. They had been asked to examine material submitted to the Service by the Australian States and recommend on possible Service action. Based on the limited data available to them, their conclusions were that sufficient problems still existed to warrant maintenance of the ban. The data and procedures reviewed by Dr. Anderson in Australia, however, answered the questions which concerned the Endangered Species biologists and they subsequently concurred that permitting commercial importation with a 2-year review would be a reasonable move. (6) The Service finds that Monitor's statement is not supported by the facts. Only about 8% of the land area of the continent of Australia is in either urban or intensive agricultural use. The remaining 92% is used for pastoral purposes and represents the primary habitat for the three kangaroo species. Anderson reports also, that the reserve system for kangaroos in Australia is excellent and concludes that it provides good habitat for all three species. (7) The Service concurs that lack of enforcement capability provides a threat to the species. It is one of the major reasons why the Service does not remove the species from a Threatened classification under the Act. However, commercial incentives for legal shooters should provide additional protection for the kangaroos and will help reduce illegal poaching. The present rule, therefore, would act as a conservation measure in this regard. Money and personnel are, indeed, limited. It is important, however, to recognize the difference between commercial and illegal kills. Lifting the ban will not significantly affect the

latter kill but it will affect the former and encourage compliance with the Australian states' management plans. Australia feels that its industry control is adequate on a state and national basis and the Service agrees. (8) Although some areas have been experiencing drought conditions in Australia, others have not. Australia is a huge continent and it is unlikely that a drought could affect the entire country. In addition, some authorities feel that kangaroos would be better off today, if severe drought struck, than in the past since man-made waterholes from which kangaroos could drink are now widely scattered over the "outback." Kangaroos are adapted to adverse conditions and to the extent any drought occurred in Australia, there is no evidence to suggest that it has had or would have any significant detrimental effect on the kangaroo populations. While it is true that mortality may be higher in drought years, the concept of a ubiquitous "unprecedented drought" is simply not supported by existing meteorological data. To the extent that there is increasing mortality from any drought conditions, many wildlife management personnel would take the position that such conditions merit an increase in the quota. The Australian states' management plans allow for any drought induced variations in the population. Drought conditions which do exist are often localized and should not be extrapolated to the entire continent. Finally, a recent report from Australia (Drought Review, Australia, Department of Science and the Environment, Bureau of Meteorology, No. 124, November, 1980) indicates that drought conditions recently have eased in many areas. Rainfall during October, 1980, was average or above over most of the country, and was very much above average rainfall in South Australia. It has broken the 3-month drought in that state, while rain in east Gippsland in Victoria was sufficient to break the 8-month drought there; in Queensland, the area of serious or severe rainfall deficiencies has been reduced to small pockets. Although this information does not indicate an end to localized drought problems, it does illustrate the mercurial climate of the continent, a climate to which the kangaroo has adapted.

Animal Protection Institute of America—This organization, in a letter dated July 3, 1980, made the following points: (1) That the Service's population estimates are subject to question; (2) that habitat loss and degradation continue to exert pressure on the kangaroos; (3) that law enforcement presents major problems in a country

the size of Australia; and (4) that Australia is entering a period of drought that will adversely affect populations. The Service responds to these points as follows: (1) The population estimates for New South Wales and South Australia are based on acceptable sampling techniques and hence have a good deal of credibility. Estimates for Queensland and Western Australia are less reliable, but in the opinion of the Service they are acceptable. These estimates constitute the best scientific and commercial data available (as required by the Act) and hence, in the Service's opinion, form a solid basis for the present rule. Points 2, 3, and 4 have already been discussed in the Service's responses to other communications above.

Society for Animal Protective Legislation and the Humane Society of the United States—In a letter dated July 16, 1980, these two groups submitted their comments to the proposal through Monitor. Separately, however, they submitted a petition to the Service for a public hearing on the matter. This was done under Section 4(f)(2)(A)(ii) of the Act which states:

If any person who feels he may be adversely affected by the proposed regulations files (within 45 days after the date of publication of general notice) objections thereto and requests a public hearing thereon, the Secretary may grant such request, but shall, if he denies such request, publish his reasons therefor in the Federal Register.

In support of the petition, these organizations contended that: (1) There is a serious scientific issue within the Service over the impact on a Threatened species of commercial exploitation of that species; (2) that the Service's evidence has not established that commercial exploitation will not endanger the survival of the kangaroos; and (3) that when it is certain that up to 3,000,000 members of a species recognized as Threatened may be killed as a result of that proposed action, it is not too much to ask for a public hearing on their fate.

In the interest of assuring full public participation in the process, the petition for a public hearing was accepted by the Service. Accordingly, a notice was published on August 22, 1980, in the Federal Register (45 FR 56117) that the comment period on the proposal would be reopened between September 16, 1980, and October 1, 1980, and that a public hearing would be held in Washington, D.C., on September 16, 1980, to hear public testimony on the issue. The public hearing was held as scheduled; testimony presented at this hearing, and comments received during the reopened comment period, are

discussed in a separate section of this document.

American Fur Industry—This organization supported the proposal in a letter dated July 8, 1980, but questioned whether any large animal with an estimated population of 32,000,000 should be classified as "threatened." It also questioned whether the two year monitoring period would be meaningful with animals that are cyclical in nature. The Service has already presented its reasoning as to why it still considers these kangaroos to be Threatened species in spite of the proposal to lift the ban on commercial imports. With regard to the monitoring period, the Service feels that it is prudent to monitor the management and harvest of the kangaroo populations. It is possible that a periodic reexamination of the situation may be necessary to assure that adequate controls are operational and that the species are not being subjected to overexploitation.

Kangaroo Protection Co-operative Ltd. (previously known as Kangaroo Protection Committee)—In a letter dated June 19, 1980, this Australian conservation group cited a number of specific objections to observations and findings of Dr. David Anderson during his visit to Australia. In summary, their comments reflect the following: (1) That Dr. Anderson's visit was too brief to acquire a satisfactory understanding of the problems; (2) that he may have been susceptible to both "window dressing", and the amount of publicity accorded his visit; (3) that he approves in principle the "harvesting" of animals, and that this may, by implication, have biased his judgement in the situation; (4) that if the U.S. reopens the market to kangaroo trade, conservation will be subservient to commerce; and (5) that the majority of kangaroos killed will be in Queensland for which satisfactory population estimates do not exist.

To these comments, the Service responds as follows: (1) Dr. Anderson is satisfied that the period of time he spent in Australia was sufficient for him to gain an adequate insight into the situation and the problems involved. In any event, the Service's review and monitoring of the kangaroo situation has not been limited to the period of Dr. Anderson's visit to Australia but has included continued review and assessment of scientific literature and public comment over a number of years; (2) The Service is satisfied that Dr. Anderson met with representatives of the diversified parties concerned and obtained a well rounded variety of opinions and comments on the matter; (3) The Service is also satisfied that Dr.

Anderson began his investigation of the subject objectively, without bias and that he formed no opinions and made no judgments regarding the kangaroo ban until after he had met with the representatives of the various parties including representatives of the Kangaroo Protection Co-operative; (4) the Service is completely satisfied that the various Australian states, as evidenced by their management plans and practices, will put conservation before commerce in any situation where detriment to kangaroo populations might result from excessive kangaroo exploitation. The Service will not assume that the Australian states intend to ignore the conservation mandate of and their own management plans and provide no deference to United States responsibilities under the Endangered Species Act; and (5) the Queensland population estimates are, to the Service's satisfaction, adequate to permit the establishment of the kill quota set for that state. Dr. Anderson spoke with various Australian management and scientific personnel and examined the states' management plan. The Service has determined that each Australian state has an adequate management plan for sustained yield harvest as evidenced by the discussions of those plans above. Many of the letters criticizing the lack of such information are now dated and the evidence indicates that, notwithstanding any doubts about sustained yield levels which do exist, the states' quotas are well below any such level, and the management systems for monitoring such yields are much improved. Passage of time will certainly result in more yield data becoming available, but this, of course, will always be the case, and the Service is satisfied that existing data and management systems permit lifting the import ban without any detriment to the survival of the species.

In a letter dated July 11, 1980, the Kangaroo Protection Committee commented as follows:

1. That the responses presented by the Australian States concerning habitat losses in those States over the past 5 to 10 years are "irresponsible." The K.P.C. contends that each of these States has suffered appreciable land use changes and habitat has been drastically reduced.

2. That the only reason there has not been overutilization of kangaroos for commercial purposes in recent years is because of the closed U.S. market.

3. That the regulatory mechanisms of the various Australian States are nonexistent and exist on paper only.

In response to points 1 and 3, the Service accepts in good faith the data

presented by the Australian States and trusts to their sincerity and truthfulness in the issues involved. In addition, Anderson's report provides proof of the regulatory mechanisms of the various Australian States, and shows that kangaroo habitat has not by any means been reduced to the extent that would threaten the continued existence of the species. There is no evidence that the kangaroos' habitat has been drastically reduced and the contrary is indicated by the thriving kangaroo populations.

It is the Service's opinion that the characterization of the Australian regulatory system is unwarranted and that Anderson's report provides proof that the states have effective management plans. With regard to the second point, the purpose of the 2-year review is to assure that overutilization does not again occur and that the Australian states are effectively managing their kangaroo populations. It is interesting to note that for the period of 1968-1973, the United States' percentage of the kangaroo export from Australia steadily declined from over 50% to under 30% before the ban was imposed. Even assuming a high of 50%, the total skins imported into the United States would not be significant when compared to the total population figures.

Public Hearing and Comments From the Reopened Comment Period

A public hearing has held on September 16, 1980, in Washington, D.C., on the kangaroo issue. At the hearing, 10 testimonies were presented of which seven were in opposition and three favored the proposal. A summary of these testimonies, with the Service's responses, is as follows:

Defenders of Wildlife—This organization, in opposition to the proposal, contended that the regulations which are the basis for this proposal are unlawful and directly in conflict with the mandatory provisions of the Endangered Species Act. It consequently urged that the Service abandon its proposal and abandon the hearings. In support of its contention, Defenders stated that importation of the three species of kangaroos is inconsistent with both the spirit and letter of the Endangered Species Act; the commercial importation will not promote the conservation and restoration of the kangaroos to non-threatened status; and that the Service has not shown that "regulated taking" of the kangaroos presents the "extraordinary case" required by the Act. These contentions have all been addressed above.

Society for Animal Protective Legislation—In opposition to the proposal, Cristine Stevens made the

following points for this organization: (1) That drought conditions are now widespread and that the numbers of kangaroos are drastically down; (2) that Queensland lacks interest in, and control over kangaroo harvest; and (3) that Queensland's population estimates are too generous given the fact that the state has not undertaken any overall count of kangaroo numbers.

The Service has spoken to all of these issues in responses to other comments earlier in this document.

Marian Newman, also speaking for the *Society for Animal Protective Legislation*, in opposition to the proposal, made the following points (in addition to numerous other points that have already been addressed in depth): (1) That no state in Australia has a verified sustained-yield program for the kangaroos; (2) G. Caughley is quoted as saying that nothing is known about sustained yield in the big kangaroos; (3) that there is no real monitoring of kangaroos in Queensland; (4) that Australian scientists are undecided on a safe shooting level for the big kangaroos; (5) that killing is indiscriminate with regard to age, sex, and weight; (6) that there is no interstate coordination on control, harvesting, tagging, reporting, etc. of take; (7) that no state has demonstrated that taking will not be detrimental to the survival of the species; and (8) that there is a continuing loss of habitat for kangaroos due to loss of such habitat to cropland, mining, grazing, etc.

The Service's point by point response to the above is as follows:

(1) Certainly New South Wales and South Australia have good programs for sustained yield; in the Service's opinion, this is true for Queensland and Western Australia as well; (2) Caughley's statement was written in 1976, before all the advancements in knowledge of recent years, and in any event he went on to say that the harvest level at that time was well below any maximum sustained-yield; (3) Queensland has killed at least 60 to 80 million kangaroos during the past century; the harvest rate is low, populations are very abundant, Queensland had adopted an adequate management plan, and recent aerial survey data for parts of Queensland have added to the knowledge of that state's population; (4) this is due to the fact that the studies referred to by Ms. Newman were conducted in different areas at different times and under different conditions, such as in drought, etc. Dr. Anderson feels that it is becoming clear that a maximum allowable total harvest of these kangaroos would be in the vicinity of

20% per year for all causes (it may drop in drought periods); no Australian state even approaches this level; (5) this statement is incorrect in that the abundance permits a high degree of selectivity by age, sex, and size and the economics of shooting compels selectivity; (6) this statement is also incorrect; there is an elaborate system of interstate monitoring, discussed in Dr. Anderson's report, on both a state and national level; (7) Queensland, among others, has demonstrated over the past century that a take in excess of 60 million kangaroos has not been detrimental. The very purpose of Dr. Anderson's visit and the required certification from the Australian states, is to insure that the Service is satisfied that any take resulting from a lifting of the ban will not be detrimental to the species; and (8) cropland is very minor in importance compared to total kangaroo habitat and has not increased substantially in recent years; mining, grazing, timbering, etc. are certainly factors to consider, but overall, the evidence indicates that they appear to contribute little toward loss of kangaroo habitat.

Animal Protection Institute and Humane Society of the United States—All of the comments presented by those groups in opposition to the proposal were presented by others and have already been addressed elsewhere in this document.

American Fur Industry—This organization supported the proposal, and made many of the points discussed by the Service above in reaching its decision to permit commercial importation.

Oliver Garfield, Information Retrieval Systems—This witness presented essentially the same comments that have been addressed earlier. To the extent that his testimony related to the biological status of the kangaroos, his concerns were primarily the lack of reliable population estimates and the relationship of what he considers high kill quotas to uncertain population estimates.

The William Amer Company, and a private citizen, John Kane—These witnesses supported the proposal and presented evidence and arguments much in line with the reasoning used by the Service in the present decisionmaking although they objected to the kangaroos remaining on the list as Threatened.

Most of the groups which presented oral testimony at the hearings on September 16, also submitted comments in written form to the Service. These written testimonies were restatements or extensions of comments presented either in the earlier comment period or

orally at the public hearings and have been addressed by the Service above.

In response to the notice of the public hearing, the Embassy of Australia, which did not testify orally at the public hearings, presented two submissions to the Service on September 16, 1980, which it wished incorporated into the public record. These submissions were from the Australian National Parks and Wildlife Service, and the Australian National Farmers' Federation. The Embassy also submitted a joint statement by Australia's Deputy Prime Minister for Trade and Resources, and the Minister for Science and Environment. All three documents favored lifting the ban. The submission by the Australian National Parks and Wildlife Service and the joint statement by the Ministers addressed only the ban, and presented the same basic information on status and management of the kangaroos that has led to this action. The submission from the National Farmers' Federation, however, requested a removal of the kangaroos from the Threatened list as well. It based its request on the following statement that appeared in the Federal Register proposal (45 FR 40958) to lift the ban on commercial import of kangaroo hides:

The Act provides for the listing of a species as Endangered or Threatened when one or more of the following five factors is contributing to the likelihood of the species' extinction throughout all or a significant portion of its range.

The Federation contends that the kangaroos in question cannot in any way be regarded as likely to become extinct throughout all or a significant portion of their ranges.

The Service concurs with the Federation in its assertion that the kangaroos are not likely to become extinct, but points out that the statement in question in the Federal Register is incorrect and does not accurately reflect what the Endangered Species Act of 1973 says. The Act actually reads on this point as follows: "The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following (five) factors * * * The Act does, however, define a threatened species as: " * * * any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." The Service feels that kangaroos are a threatened species under this definition, and regrets the misleading wording that appeared in the June 16, 1980, proposal that led to the Federation's misunderstanding. The Service's basis

for keeping kangaroos listed as Threatened is outlined above.

The reopening of the comment period between September 16, and October 1, 1980, led to the receipt of hundreds of letters (in addition to the testimonies and public comments discussed above), all but a few of which were in opposition to the proposal. None of these, however, contained any substantive scientific, biological, or management data that could be of use in reaching this final decision.

Effect of Rule

The only effect of this rule will be that beginning with the effective date, eastern gray, western gray, and red kangaroos (live animals and/or parts and products) will be permitted to be imported into the United States for commercial purposes without a permit issued pursuant to the Endangered Species Act of 1973. The three species will remain listed as Threatened, and all other provisions of the Act pertaining to Threatened and Endangered species will apply.

National Environmental Policy Act

A final Environmental Assessment has been prepared and is on file in the Service's Office of Endangered Species. This assessment is the basis for a decision that this rule is not a major Federal action that significantly affects the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969, implemented at 40 CFR Parts 1500-1508.

This notice was written by John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

Note.—The Department of the Interior has determined that this is not a major rule and does not require preparation of a regulatory analysis under Executive Order 12291.

The Form 3-177, Importation/exportation declaration filed with the U.S. Customs Service upon import shall constitute the report required under this general permit. Form 3-177 was approved by OMB on September 18, 1978 and expires on August 31, 1982. The OMB approval number is 1018-0012.

Further, the Department of the Interior, has determined that the rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act. This determination is based upon the fact that because of the existing ban no firms presently are engaged in domestic kangaroo leather handling, processing, or fabrication. Only two are

expected to be initially measureably impacted, both beneficially.

These determinations are discussed in more detail in a Determination of Effects which has been prepared by the U.S. Fish and Wildlife Service.

Literature Cited

- Anderson, David R. 1980. Information on management programs for red, eastern gray, and western gray kangaroos in relation to the U.S. Endangered Species Act. Unpublished report to U.S. Fish and Wildlife Service, April 8, 1980, 41 pp.
- Caughley, G., R. G. Sinclair, and G. R. Wilson. 1977. Numbers, distribution, and harvesting rate of kangaroos of the inland plains of New South Wales. *Australian Wildl. Res.* 4, pp. 99-103.
- Grigg, Gordon and Graeme Caughley. 1979. The 1979 survey of kangaroos in the

pastoral areas of South Australia. *Nat. Parks and Wildl. Serv., South Australia*, 34 pp.

Poole, W. E. 1978. Management of kangaroo harvest in Australia. *C.I.R.S.O. Occ. Papers*, No. 2, 28 pp.

Accordingly, 50 CFR 17.40(a)(1)(i)(B) is revised to read as follows:

§ 17.40 Special rules—mammals.

(a) * * *

(1) * * *

(i) * * *

(B) Eastern Gray, Red, and Western Gray kangaroos—including parts and products of such wildlife—which have been tagged or otherwise identified as removed from the wild in accordance with the management plans of Australian states may be imported into

the United States without permits for individual shipments otherwise required by 50 CFR Part 17. Importation into the United States must comply with the requirements of 50 CFR Part 14, Service Form 3-177, Declaration for Importation or Exportation of Fish or Wildlife, filed with the U.S. Customs Service upon import shall satisfy the reporting requirements of 50 CFR Part 14, Subpart C.

* * * * *

Dated: April 10, 1981.

C. F. Layton,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 81-12929 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-55-M

Proposed Rules

Federal Register

Vol. 46, No. 82

Wednesday, April 29, 1981

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

GENERAL ACCOUNTING OFFICE

DEPARTMENT OF JUSTICE

4 CFR Part 102

Collecting Debts by Offset

AGENCIES: General Accounting Office—Department of Justice.

ACTION: Proposed rule.

SUMMARY: This proposed amendment would require that agencies, in accordance with implementing regulations, extend to debtors an opportunity for a pre-offset oral hearing when a question of indebtedness cannot be resolved by review of documentary evidence and issues of credibility or veracity exist. Recent court decisions have emphasized the need for the Government to provide due process protections to debtors before collecting an alleged debt by offset. Granting an opportunity for a pre-offset oral hearing in appropriate cases conforms with due process requirements and will minimize the risk that the Government will collect invalid debts by involuntary offset.

DATE: Comments must be received by June 29, 1981.

ADDRESS: U.S. General Accounting Office, Accounting and Financial Management Division, Associate Director, Claims Group, Room 5858, 441 G Street, NW., Washington, D.C. 20548.

FOR FURTHER INFORMATION CONTACT: Chris Farley, Jr., U.S. General Accounting Office, Accounting and Financial Management Division, Claims Group, Room 5860, 441 G Street, NW., Washington, D.C. 20548, (202) 275-6088.

SUPPLEMENTARY INFORMATION: Recent court decisions have emphasized the need for the Government to assure that claimant agencies provide due process protection to debtors prior to initiating offset actions.

If a determination that a debt exists and is certain in amount can be

satisfactorily made by review of the documentary evidence and no issues of credibility and veracity exist, then under this proposed rule an agency need not provide an opportunity for an oral hearing before offsetting the debt against benefits, pay, or employee compensation. The terms "credibility" and "veracity" cannot be precisely defined due to the multiplicity of circumstances under which Federal debts arise and the limited circumstances in which the courts have considered due process with respect to offset. The terms are not applicable, however, in circumstances where the subject matter of a dispute can be resolved through correspondence or review of the written record.

Issues of credibility and veracity are more likely to arise in situations where a statute mandates that the head of an agency waive or forgive an indebtedness if the debtor is "without fault" or if recovery of the debt would be against "equity and good conscience." "Fault" and "equity and good conscience" determinations are sometimes difficult to make on the basis of written evidence alone as they may require a subjective evaluation of the individual's knowledge, motives, good faith and ability to recognize errors. In the case of waiver or forgiveness statutes which are entirely permissive, such as 5 U.S.C. 5584 or 10 U.S.C. 2774, and an agency determines in advance that it is in the interest of the United States to grant waiver where certain statutory conditions are met, debtors should be provided with opportunity for a pre-offset oral hearing if the determination of whether the statutory conditions are in fact met turns on an issue of credibility or veracity. Where the agency does not dispute the debtor's factual contentions no oral hearing need be granted.

The form of hearings, when granted, will depend on the nature of the transactions giving rise to the debts and the complexity of the issues in dispute. For the vast majority of Government claims, we anticipate that informal conferences before an agency official will suffice; however, for the more complicated issues, more extensive type hearings might have to be held. It is contemplated that in either case, such hearings will be conducted by

conference telephone call if the debtor elects not to appear in person at his own expense at the place designated by the agency for hearings. Agencies shall maintain at least a summary record of the hearing accorded to the debtor.

Any general plan for using offset to collect debts from individuals will require that claimant agencies establish implementing regulations for granting pre-offset oral hearings in appropriate cases and for providing the procedural protections outlined in this amendment. In establishing implementing regulations, agencies should consider the principles developed by the courts in determining when opportunities for hearings are required. For example, for those debt collection programs in which issues of credibility and veracity rarely arise, it will not be necessary to sift through all requests for reconsideration and grant a hearing to the few that involve credibility. See *Califano v. Yamasaki*, 442 U.S. 682 (1979). This amendment is not intended to eliminate this discretion.

This proposed amendment is not a "major rule", as defined in Executive Order 12291 dated February 17, 1981.

Accordingly, we propose to revise 4 CFR 102.3 as follows:

§ 102.3 Collection by offset.

(a) Collections by offset will be undertaken administratively in accordance with these standards and implementing regulations established by the head of each agency on claims which are liquidated or certain in amount in every instance in which this is feasible. Collections by offset from persons receiving pay or compensation from the Federal Government shall be effected over a period not greater than the period during which such pay or compensation is to be received. See 5 U.S.C. 5514.

(b) When the head of an agency, or his designee, pursuant to 5 U.S.C. 5514, 5522, 5705, 5724(f), or other statutory authority, seeks to collect a debt by offset against accrued pay, compensation, accrued benefits or amount of retirement credit due to a present or former government employee, a member of the armed forces, a Reserve of the armed forces, or a present or former employee of the U.S. Postal Service, the agency to which the debt

allegedly is owed will accord such debtor an opportunity for a pre-offset oral hearing when (1) the debtor requests waiver of the indebtedness and the waiver determination turns on an issue of credibility or veracity or (2) when the individual requests reconsideration of the debt and the head of the agency or his designee determines that the question of the indebtedness cannot be resolved by review of the documentary evidence, for example, when the validity of the debt turns on an issue of credibility or veracity: *Provided*, That, where the employment or active duty status of a debtor entitled to a hearing under paragraph (b) (1) or (2) of this section terminates, and the creditor agency determines that (i) amounts accruing to the debtor upon such termination are available for offset in satisfaction of the alleged indebtedness (ii) such amounts would not be available for offset subsequent to termination and (iii) time prior to termination does not permit a pre-offset hearing, the agency may withhold from amounts accruing to the individual upon termination, a sum not greater than that of the alleged indebtedness and, subsequent to termination, promptly provide an opportunity for an oral hearing to resolve the issue of indebtedness or waiver. Amounts withheld but later determined not owing to the Government shall be promptly refunded.

(c) Except when employment or military status is about to terminate as described in the proviso of paragraph (b) of this section, prior to collecting any indebtedness by offset the head of the agency to which the debt allegedly is owed or his designee shall provide the debtor a written demand containing the notices prescribed in § 102.2 above and include therein: (1) Notice of the agency's intention to collect by offset; (2) an opportunity to request reconsideration of the debt, or if provided for by statute, waiver of the debt, and (3) an explanation of the debtor's rights pursuant to this section.

(d) Collection by offset against a judgment obtained by the debtor against the United States shall be accomplished in accordance with the Act of March 3, 1875, 18 Stat. 481, as amended, 31 U.S.C. 227.

(e) Appropriate use should be made of the cooperative efforts of other agencies in effecting collections by offset, including utilization of the Army Holdup List, and all agencies are enjoined to cooperate in this endeavor.

Dated: April 22, 1981.
Milton J. Socolar,
Acting Comptroller General of the United States.

Dated: April 24, 1981.
Edward C. Schmults,
Acting Attorney General of the United States.
[FR Doc. 81-12919 Filed 4-28-81; 8:45 am]
BILLING CODE 1610-01-M
BILLING CODE 4410-01-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Ch. I

Proposed Definitions of "Small Entities" for Purposes of the Regulatory Flexibility Act

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed establishment of definitions.

SUMMARY: The Commodity Futures Trading Commission is inviting comments on definitions of small entities which the Commission will use in connection with future Commission rulemaking proceedings. The definitions would be used in accordance with the provisions of the Regulatory Flexibility Act, (RFA) which requires that agencies, in proposing rules, consider their impact on small business. The Commission seeks to define small entities with respect to the four major categories of entities regulated by the Commission: contract markets, futures commission merchants, commodity pool operators and commodity trading advisors. The Commission proposes that designated contract markets and registered futures commission merchants and commodity pool operators not be considered small entities and that consideration as to which commodity trading advisors are small entities be addressed in the context of specific rule proposals affecting commodity trading advisors. In addition, those business concerns which are large traders in commodity futures would not be considered small entities for purposes of the Commission's large trader reporting requirements.

DATES: Comments on the proposed definitions should be submitted by June 29, 1981.

ADDRESS: Comments should be sent to: Commodity Futures Trading Commission, 2033 K Street, N.W., Washington, D.C. 20581 Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT: Nancy Yanofsky, Office of the General Counsel, Commodity Futures Trading Commission, 2033 K Street, N.W.,

Washington, D.C. 20581, Telephone: (202) 254-5716.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act, Pub. L. 96-534, 94 Stat. 1164, 5 U.S.C. 601 *et seq.*, ("RFA") requires each Federal agency to consider in the course of proposing and promulgating substantive rules, the effect of those rules on small entities. A small entity is defined to include, *inter alia*, a "small business" and a "small organization" 5 U.S.C. 601(6).¹ In defining small business, the RFA adopts the definition of "small business concern" in Section 3 of the Small Business Act, 5 U.S.C. 601(3). Section 3 of the Small Business Act, 15 U.S.C. 632 (1976), essentially provides a three-part definition of "small business concern": (a) One that is independently owned and operated; (b) which is not dominant in its field; and (c) which falls within the size standards regarding sales and/or employment established by the Administrator of the Small Business Administration ("SBA") by rule, *see* 13 CFR Part 121. An agency, however, after consultation with the Office of Advocacy of the SBA, may establish its own definition or definitions of small business. 5 U.S.C. 601(3). Since the SBA has not established size standards for small businesses engaged in commodity futures activities, or other activities regulated by the Commission,² the Commission proposes to establish its own standards with respect to the four major types of entities regulated by it:

¹ "Small organization" in the RFA means a "not-for-profit enterprise which is independently owned and operated and is not dominant in its field."
* * * 5 U.S.C. 601(4). The RFA does not incorporate size standards for the Small Business Administration for small organizations. Agencies are expressly authorized to establish their own definitions of small organization. (*Id.*)

² Present SBA definitions of small business are clearly limited in their usefulness for Commission purposes. The current size standards of the SBA define small business concerns according to (1) the program involved (e.g., government procurement, sales or leases of government property, SBA loans), (2) the type of business involved (e.g., manufacturing, construction, wholesale, retail, services) and (3) geographic area (*see* 13 CFR 121.3-7). For example, service industries bidding on government contracts are designated "small business concerns" if their average annual receipts for the preceding 3 fiscal years do not exceed \$2 million. 13 CFR 121.3-8(e). Service industries seeking SBA loans are designated as "small business concerns" if their annual receipts in any one year do not exceed \$2 million. 13 CFR 121.3-10(d)(1). For numerous concerns which provide certain specifically designated services, the maximum annual receipts requirement is higher. *See* 13 CFR 121.3-8(e) and 121.3-10(d). It should be noted, however, that the SBA has proposed revised size standards which generally would establish one size standard, in terms of number of employees, for all SBA programs; under these standards, firms providing business services which have 25 or less employees would be considered small businesses. 45 FR 15442 (March 10, 1980).

contract markets, futures commission merchants, commodity pool operators and commodity trading advisors. In addition, the Commission proposes an interpretation which would make it clear that the definition of small entities, for purposes of applicability of the RFA to Commission rulemaking, does not include those business concerns which are large traders in commodity futures, insofar as Commission rules require large trader reporting.

Contract markets

Commission designation of contract markets is central to the regulation of trading in commodity futures contracts. Sections 4 and 4h of the Act, 7 U.S.C. 6 and 6h (1976), generally require a commodity futures transaction to be made by or through a member of a board of trade which has been designated by the Commission as a contract market.³ To obtain designation, a board of trade must meet stringent standards enumerated in Section 5 of the Act, 7 U.S.C. 7 (1976).⁴ Once designated, a contract market must continue to satisfy these initial criteria and must also comply with the additional requirements set forth in Section 5a of the Act, 7 U.S.C. 7a (1976 and Supp. III 1979). Since the essential scheme of regulation under the Act centers on the effective functioning of designated contract markets, subject to Commission regulation and oversight, the Commission does not consider any contract market designated under the Act to be a small entity for purposes of the RFA.⁵

Futures Commission Merchants

Futures commission merchants ("FCMs") accept and hold the funds of public customers in a fiduciary capacity.

³ A "board of trade" is defined in the Act as "any exchange or association, whether incorporated or unincorporated, of persons who shall be engaged in the business of buying or selling any commodity or receiving the same for sale on consignment * * * Section 2(a)(1), 7 U.S.C. 2 (1976).

⁴ For example, a board of trade seeking designation as a contract market must demonstrate its ability to prevent price manipulation, concerning and the dissemination of misleading reports respecting the commodity involved. See, e.g., Sections 5(d) and 5(c), 7 U.S.C. 7(d) and 7(c) (1976). And, as a result of Congress' addition in 1974 of a new Section 5(g) to the Act, 7 U.S.C. 7(g) (1976), a board of trade is required to demonstrate that futures transactions in the commodity for which designation is sought "will not be contrary to the public interest."

⁵ The Commission also notes that contract dollar volume on exchanges is currently well-beyond the trillion dollar level. In addition the clearing organizations affiliated with the exchanges hold billions of dollars in margin or letters of credit and daily clear many millions of dollars in trades. Further no exchange and its affiliated clearing organization has less than twenty-five employees. Cf. footnote 2, *supra*.

Section 4f(2) of the Act, 7 U.S.C. 6f(2) (1976) requires that FCMs registered with the Commission must meet minimum financial requirements. The Commission's minimum financial requirements for FCMs take into account the fiduciary responsibilities of such firms. At present, FCMs are required at all times to maintain adjusted net capital equal to or in excess of the greater of \$50,000, (\$100,000 for each FCM that is not a member of a contract market), or 4 percent of the customers' funds held by the FCM or, for securities brokers and dealers, 4 percent of aggregate debit items computed in accordance with the Securities and Exchange Commission's formula for determination of reserve requirements.⁶ Moreover, the Commission has proposed amendments to the minimum financial requirements for FCMs which would increase the minimum dollar requirements to \$100,000 for members of a contract market and \$250,000 for non-members.⁷ Taking into account the fiduciary nature of a FCM's business and these minimum net capital requirements the Commission does not consider a registered FCM to be a small business for purposes of the RFA.⁸

Commodity Pool Operators

A commodity pool operator, as defined in Section 2(a)(1) of the Act, 7 U.S.C. 2 (Supp. III 1979) means:

Any person engaged in a business which is of the nature of an investment trust, syndicate, or similar form of enterprise, and who, in connection therewith, solicits, accepts, or receives from others, funds, securities, or property, either directly or through capital contributions, the sale of stock or other forms of securities, or otherwise, for the purpose of trading in any commodity for future delivery on or subject to the rules of any contract market, but does not include such persons not within the intent of this definition as the Commission may specify by rule or regulation or by order.

⁶ Commission Rule 1.17, 17 CFR 1.17, as amended, 45 FR 79416 (Dec. 1, 1980). Adjusted net capital means current assets less total liabilities minus certain specified safety factors or "haircuts."

⁷ 45 FR 79498 (Dec. 1, 1980).

⁸ As the Commission has noted in proposing to amend its minimum financial and related reporting requirements for FCMs, this requirement serves to: enhance the protection of customers' segregated funds and better protect the financial condition of FCMs, and those two results are of the greatest importance to the security and overall well-being of individual participants and institutions involved in the futures markets. The Commission believes that the proposed amendments would cause the minimum financial requirement to reflect more accurately the amount of customer business of an FCM, help to safeguard customers' funds and provide an improved system of early warning of the deterioration of an FCM's financial condition.

45 FR 42633, 42635 (June 25, 1980).

The Commission presently exempts certain small firms from the requirement to register as commodity pool operators ("CPOs").⁹ Commission Rule 4.13(a), 17 CFR 4.13(a), provides that:

A person is not required to register with the Commission as a commodity pool operator if—

(1)(i) It does not receive any compensation or other payment, directly or indirectly, for operating the pool, except reimbursement for the ordinary administrative expenses of operating the pool; (ii) it operates only one commodity pool at any time; (iii) it is not otherwise required to register with the Commission and is not a business affiliate of any person required to register with the Commission; and (iv) neither the person nor any other person involved with the pool does any advertising in connection with the pool (for purposes of this section, advertising includes the systematic solicitation of prospective participants by the telephone or seminar presentation); or

(2)(i) The net asset value of the pool it operates (or, if it operates more than one pool, the combined net asset values of the pools it operates) does not exceed \$50,000 at the beginning of the pool's fiscal year, and (ii) none of the pools operated by it has more than 15 participants (excluding the pool's operator and trading advisor(s)) at any time during the pool's fiscal year.

The Commission proposes to adopt its definition of small commodity pool operators, as set forth in Rule 4.13(a), as the applicable definition for purposes of the RFA.¹⁰

⁹ Commodity pool operators exempted from the Commission's registration requirements remain subject to the Commission's antifraud and reparations rules. See Commission Rule 4.13(d), 17 CFR 4.13(d).

¹⁰ The Commission has proposed to expand the exemptions provided in regulation 4.13 as follows:

(a) A person is not required to register under the Act as a commodity pool operator if—

(1)(i) It does not receive any compensation or other payment, directly or indirectly, for operating the pool, except reimbursement for the ordinary administrative expenses of operating the pool; (ii) it operates only one commodity pool at any time; (iii) it is not otherwise required to register with the Commission and is not a business affiliate of any person required to register with the Commission; and (iv) neither the person nor any other person involved with the pool does any advertising in connection with the pool (for purposes of this section, advertising includes the systematic solicitation of prospective participants by the telephone or seminar presentation); or

(2)(i)(A) It operates or intends to operate one pool, the gross receipts for units of participation in that pool do not exceed \$100,000 or (i)(B) it operates or intends to operate more than one pool, the total gross receipts for units of participation in those pools in the aggregate do not exceed \$200,000, and (ii) none of the pools operated by it has more than 15 participants at anytime. For purposes of computing the number of participants for this paragraph (a)(2)(ii), the following participants shall be excluded: (A) The pool's operator, commodity trading advisor, and the principals thereof; and (B) any relative, spouse or relative of such spouse living in the same household as such participant.

45 FR 51600, 51605 (August 4, 1980).

Commodity Trading Advisors

Section 2(a)(1) of the Act, 7 U.S.C. 2 (Supp. III 1979) defines a commodity trading advisor ("CTA") as

Any person who, for compensation or profit, engages in the business of advising others, either directly or through publications or writings, as to the value of commodities or as to the advisability of trading in any commodity for future delivery on or subject to the rules of any contract market, or who for compensation or profit, and as part of a regular business, issues or promulgates analyses or reports concerning commodities; but does not include (i) any bank or trust company, (ii) any newspaper reporter, newspaper columnist, newspaper editor, lawyer, accountant, or teacher, (iii) any floor broker or futures commission merchant, (iv) the publisher of any bona fide newspaper, news magazine, or business or financial publication of general and regular circulation including their employees, (v) any contract market, and (vi) such other persons not within the intent of this definition as the Commission may specify by rule, regulation, or order: *Provided*, That the furnishing of such services by the foregoing persons is solely incidental to the conduct of their business or profession.

This definition encompasses a broad category of business enterprises. It is therefore difficult to determine a small business standard that would be applicable to the whole spectrum of commodity trading advisors. The Commission notes, however, that existing rules with respect to commodity trading advisors merely require registration with the Commission and set standards for disclosure and recordkeeping. See Commission Rules 1.10c, 4.31, 4.32, 17 CFR 1.10c, 4.31, 4.32.

It may be that, with respect to commodity trading advisors, analysis of which concerns constitute small entities should depend on the nature of the proposed rule and its impact on any specific type of commodity trading advisor.¹¹ The Commission invites comments on whether a general definition of small entities as applied to commodity trading advisors would be suitable and, if so, what the proper standard would be.¹²

¹¹ For example, the Commission is considering whether to propose rules specifically governing those commodity trading advisors who deal in leverage transactions. See Section 19 of the Act, 7 U.S.C. 23 (Supp. III 1979).

¹² The Commission specifically requests comment on the suitability of setting standards for commodity trading advisors based on their number of employees, comparable to the standards proposed by the SBA. See footnote 2, *supra*.

The Commission further notes that, pursuant to Sections 4e and 4g of the Act, 7 U.S.C. 6e and 6g (1976 and Supp. III 1979), floor brokers of the contract markets are registered and regulated by the Commission. By and large, floor brokers act as individuals and are not business entities. For the small number of floor brokers that are business

Large Traders

Among the entities subject to the Commission's regulations are business concerns with trade in large volume in the commodity futures market, either for purposes of hedging or speculation. When any one trader holds or controls a position in a significant number of contracts, that trader must report its positions and related information to the Commission pursuant to the requirements of Parts 15, 18 and 19 of the Commission's rules.

Specifically, Commission regulations require reports from traders who hold "reportable positions" as set forth in Rule 15.03(a), 17 CFR 15.03(a). Traders who hold market positions less than those quantities specified in § 15.03(a) for each commodity are exempted from reporting burdens. Indeed, the Commission has on a number of occasions raised the threshold position level for reporting in a number of commodities.¹³ These actions have been carefully designed to balance the compliance cost of traders and the processing costs incurred by the Commission with the need for important surveillance information. As a result of these actions, Commission large trader reporting requirements affect approximately ten to fifteen percent of all traders, depending on the commodity.

Thus, the large trader reporting requirements focus on the size of an entity's position rather than the absolute size of its business, and this is the only informational basis with which the Commission is concerned with respect to these entities. The large trader reporting requirements are concerned with a dimension of size directly related to the performance of the futures markets. It is because of the need to prevent undue dominance of the futures markets that this information is required. The Commission does not believe that any large trader, insofar as it must comply with Commission reporting requirements, need be deemed a small entity for purposes of the RFA.

Accordingly, the Commission invites public comment on its proposal to establish definitions of the term "small entity," as discussed above for analyses of proposed rules pursuant to the RFA.

entities, the Commission similarly invites comment as to whether a general definition of small entities would be suitable.

¹³ See 42 FR 25485 (May 17, 1977); 44 FR 18169 (March 27, 1979); and 46 FR 10132 (March 4, 1981).

Issued in Washington, D.C., on April 23, 1981, by the Commission.

Jane K. Stuckey,

Secretary of the Commission.

[FR Doc. 81-12918 Filed 4-29-81; 8:48 am]

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SECURITIES AND EXCHANGE COMMISSION

17 CFR Ch. II

[Release No. 33-6312, 34-17738, 35-22015, 39-627, IC-11739 and IA-758; File No. S7-883]

Regulatory Flexibility Agenda for Purposes of the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Publication of regulatory flexibility agenda for purposes of the regulatory flexibility act.

SUMMARY: The Securities and Exchange Commission is today publishing a regulatory flexibility agenda, pursuant to Chapter Six of the Administrative Procedure Act. The agenda is intended to provide advance notice of certain rulemaking actions anticipated during the next six months. The Commission is seeking public comment on subject areas and particular items of the agenda.

DATE: Comments are due by June 30, 1981.

ADDRESSES: Persons wishing to submit written views should file four copies thereof with George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Room 892, 500 North Capitol Street, Washington, D.C. 20549. All submissions should refer to File No. S7-883 and will be available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street, N.W., Washington, D.C. 20549.

FOR FURTHER INFORMATION CONTACT: Jeffrey L. Davis, Acting Director, Directorate of Economic and Policy Analysis, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Additional names of persons to contact with regard to specific agenda items are listed at the end of such items.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (Pub. L. No. 96-354, 94 Stat. 1164 (September 19, 1980)) ("RFA") added a new Chapter Six to the Administrative Procedure Act (5 U.S.C. 601 *et seq.*). Among other things, the RFA requires that the Commission, during October and April of each year, publish in the Federal Register a

regulatory flexibility agenda containing (i) a brief description of the subject area of any rule which the agency expects to propose or promulgate which is likely to have a significant economic impact on a substantial number of small entities;¹ (ii) a summary of the nature of any such rule, the objectives and legal basis for the issuance of the rule and an approximate schedule for completing action on any such rule for which a general notice of proposed rulemaking has been issued;² and (iii) the name and telephone number of an agency official knowledgeable concerning the rule.³

In a separate action, the Commission has proposed to define the terms "small business" and "small organization" for purposes of the RFA as those terms may apply to entities that are issuers of securities or otherwise engaged in securities or other business activities subject to disclosure and reporting requirements or regulation by the Commission pursuant to the Securities Act of 1933, 15 U.S.C. 77a *et seq.* ("Securities Act"), the Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.* ("Exchange Act"), the Public Utility Holding Company Act of 1935, 15 U.S.C. 79a *et seq.* ("Holding Company Act"), the Trust Indenture Act of 1939, 15 U.S.C. 77aaa *et seq.* ("Trust Indenture Act"), the Investment Company Act of 1940, 15 U.S.C. 80a *et seq.* ("Investment Company Act"), or the Investment Advisers Act of 1940, 15 U.S.C. 80b-1 *et seq.* ("Advisers Act").⁴

The agenda in this release relies on the proposed definitions of the terms "small business" and "small organization" contained in that prior release, as those terms may relate to various entities subject to the Commission's rules and regulations. If the definitions which are later adopted by the Commission differ substantially from those proposed, the Commission will give consideration to publishing a revised agenda.

I. Regulatory Flexibility Agenda

As provided by the RFA, the publication of the Commission's regulatory flexibility agenda does not preclude it from considering or acting on any matter not included therein, nor is the Commission required to consider or act on any matter which is included therein.⁵ Furthermore, the inclusion of a rule in the Commission's regulatory flexibility agenda reflects only the staff's preliminary judgment that such

rule, if promulgated, may have a significant economic impact on a substantial number of small entities. This preliminary judgment, of course, is subject to change upon further development and analysis. In this regard, the staff has some doubts about whether some of the anticipated rules would have any such economic impact, if promulgated, but such rules have been included in the agenda in order to maximize the opportunity for public comment.

The following agenda lists the particular rules which the Commission expects to consider for proposal or promulgation during the next six months, which, if promulgated, may have a significant economic impact on a substantial number of small entities.

A. Disclosure Rules

1. Amendments to Regulation A

On December 23, 1980, the Commission proposed a comprehensive revision and reformatting of Schedule I of Regulation A under the Securities Act so that the item requirements of the Schedule will reflect current Commission disclosure policies.⁶ The proposals have their legal basis in the Commission's rulemaking authority under Section 19(a) and its authority to exempt securities from registration under Section 3(b) of the Securities Act. Regulation A is a conditional exemption pursuant to Section 3(b) that may be used by a variety of issuers for public offerings not in excess of \$1.5 million in any 12-month period. A notification and offering circular with the information prescribed by Schedule I must be filed with the Commission's regional office in the region in which the company's principal business activities are conducted. The proposals are designed to codify disclosure standards which are currently being applied to Regulation A offerings and to provide specific disclosure requirements for different types of issuers and different types of offerings. To this end the proposed structure of the revised Schedule I contemplates the establishment of a "pool" of disclosure items which range from basic items common to all transactions to specialized items germane to a particular issuer or transaction. The Commission expects to consider the adoption of a final rule during Summer 1981. Agency contact: Daniel Abdun-Nabi, Office of Small Business Policy, Division of Corporation Finance, [202 272-644].

2. Classification of Issuers Under the Exchange Act

On June 2, 1980, the Commission published an advance notice of proposed rulemaking to solicit comment on the advisability of establishing, pursuant to its rulemaking authority under Section 23(a) of the Exchange Act, certain defined classes of smaller issuers for purposes of reducing or modifying the registration, reporting and other requirements under Section 12 and Section 15(d) of the Exchange Act.⁷ Currently, issuers that are required to file periodic reports with the Commission, whether by reason of their registration under Section 12 or pursuant to Section 15(d) of the Exchange Act, are now required to provide essentially the same type and quality of information regardless of their size. Many commentators have noted that the cost of compliance with the periodic reporting requirements is not only substantial in absolute amounts but is relatively greater for smaller companies than for larger issuers. A classification system for certain defined classes of smaller issuers, as currently being considered by the Commission, could modify the nature or frequency, or both, of reports that are, at present, required to be filed. The purpose of such a system would be to reduce the compliance burdens imposed by the reporting requirements of the Exchange Act which are disproportionately higher for smaller issuers. The Commission expects to consider a specific proposal for classifying issuers in Summer 1981. Agency contact: Paula L. Chester, Office of Small Business Policy, Division of Corporation Finance, [202 272-2644].

3. Examination of Exemptions From the Registration Provisions of the Securities Act

On December 23, 1980 the Commission issued a release soliciting the written views of interested members of the public on a number of issues prompted by the enactment of the Small Business Investment Incentive Act of 1980 [Pub. L. No. 96-477 (October 21, 1980)].⁸ The principal purpose of the release was to focus on questions raised as a result of the enactment of the Section 4(6) exemption and the increase in the limit of Section 3(b) to \$5,000,000. However, commentators were encouraged to provide their views on the broader question of whether the various exemptions under the Securities Act provide a coherent scheme for relieving issuers of the burdens of the

¹ 5 U.S.C. 602(a)(1).

² 5 U.S.C. 602(a)(2).

³ 5 U.S.C. 602(a)(3).

⁴ See Securities Act Release No. 8302 (March 20, 1980) (46 FR 19251).

⁵ 5 U.S.C. 602(d).

⁶ Securities Act Release No. 8275 (December 23, 1980) (46 FR 2637).

⁷ Securities Exchange Act Release No. 18966 (June 2, 1980) (45 FR 40145).

⁸ Securities Act Release No. 8274 (December 23, 1980) (46 FR 2631).

full scale registration, and, if not, what steps the Commission should take to make the scheme more coherent. The exemptions to be examined include existing Rules 240, 242, 257, Regulation A and Rule 146, along with the newly-created Section 4(6) exemption. The first set of issues the Commission requested commentators to focus on related to the interrelationship between Section 4(6) and Rules 146 and 242. Specifically, comments were invited on the concepts of "accredited investor," "qualified issuer," and "issue of securities" as these concepts currently exist in the three exemptions. The Commission also invited public discussion as to whether the ceiling should be raised for existing exemptive provisions under Section 3(b), or whether a new exemption tailored to offerings between \$2,000,000 and \$5,000,000 should be developed. The Commission expects to consider specific proposals regarding the various exemptions in Summer 1981. Agency contact: Michael J. Eizelman, Office of Small Business Policy, Division of Corporation Finance, (202) 272-3060.

4. Amendments to Regulation C

The Commission may propose, using its rulemaking authority under Section 19(a) of the Securities Act, a comprehensive revision and reformatting of the rules contained in Regulation C under the Securities Act so that the rules will reflect current Commission disclosure policies. The purpose of Regulation C is to standardize the mechanics of securities registration under the Securities Act, implementing the statute and providing more specific instructions for registrants than are contained in the Securities Act itself. Regulation C is being reviewed in its entirety in conjunction with the Commission's ongoing program to integrate and streamline disclosure regulations under the Federal securities laws. Changes in the rules will be consonant with this policy and will improve the efficiency of the registration process under the Securities Act. The Commission intends to consider the proposal of a revised Regulation C sometime during summer 1981. Agency contact: W. Scott Cooper, Office of Disclosure Policy, Division of Corporation Finance, (202) 272-2589.

5. Comprehensive Revision to System for Registration of Securities Offerings

The Commission may adopt, under Sections 6, 7, 10 and 19(a) of the Securities Act, a comprehensive revision to its system for registration of securities offerings. Such offerings must be registered pursuant to the Securities Act in such a manner and form as the Act

and the Commission by rule prescribe. Under the proposal, which was published in Securities Act Release No. 6235 (September 2, 1980) (45 FR 63693), three new forms would constitute the basic disclosure format for most Securities Act registrations, with different levels of disclosure and delivery requirements applicable for different levels of companies registering offerings of securities. Under the proposal, the three new forms would replace existing Form S-1 (17 CFR 239.26) and Form S-2 (17 CFR 239.12), Form S-7 (17 CFR 239.26) and Form S-16 (17 CFR 239.27). The framework of the proposal contemplates dividing issuers into three categories. The category to which an issuer belongs would determine the extent to which previously disseminated information would also be required to be presented in the prospectus or otherwise delivered to potential investors. Because of its prior impact on the market and to ensure its accuracy, information not actually delivered to investors would be incorporated by reference in the forms. The Commission intends to consider appropriate action on the proposal sometime in Summer 1981. Agency Contact: William H. Carter, Office of Disclosure Policy, Division of Corporation Finance, (202) 272-2589.

6. Revision of Regulation S-K and Registration and Reporting Guides

The Commission may adopt, pursuant to Sections 7, 10 and 19(a) of the Securities Act and Sections 13, 14, 15(d) and 23(a) of the Exchange Act, a proposal to recategorize by subject matter Regulation S-K, the repository of standard instructions for disclosure under the Securities Act and the Exchange Act, and to withdraw or codify, where appropriate, Commission Guides for the Preparation and Filing of Registration Statements and Reports. These proposals were published for comment in Securities Act Release No. 6276 (December 23, 1980.) (46 FR 78). The proposed changes to Regulation S-K would, for the most part, re-arrange items of disclosure already required. The proposals would also expand Regulation S-K to include uniform disclosure items with respect to the distribution of securities. Such disclosure items now appear in each separate registration form. The proposals concerning the Guides would: (1) Eliminate all presently existing Guides, except those which pertain to disclosure by certain industries; (2) transfer to Regulation C those Guides which relate to procedural matters; and (3) transfer to Regulation S-K those Guides which set forth certain

disclosure requirements. The proposals would result in the outright elimination of 22 out of 68 Guides. The proposals are part of the Commission's on-going sunset review of regulations and are designed to eliminate unnecessary requirements and to consolidate and organize all remaining regulations into a coherent framework. The comment period on the proposals ended on March 6, 1981. The Commission intends to consider appropriate action on this proposal in Summer 1981. Agency contact: Linda Quinn, Office of Disclosure Policy, Division of Corporation Finance, (202) 272-3208.

7. Revision of Form 8-K

The Commission may propose amendments to Form 8-K, the form for current reports to be filed by companies subject to the continuous disclosure requirements of the Exchange Act. The amendments would be proposed in order to ensure that the provisions of Form 8-K are consistent with and complement the recently revised provisions of the other forms for reporting under that act, (i.e. Forms 10-K and 10-Q). The objective is to make Exchange Act reporting sufficiently complete and of sufficiently high quality that it is able to perform its essential role in the Commission's integration program. The amendments, which may include changes in both the timing and nature of current disclosure requirements, are anticipated to be proposed during Summer 1981 pursuant to the Commission's Exchange Act rulemaking authority in Section 23(a) and the periodic reporting requirements of Sections 13(a) and 15(d). Agency contact: Catherine Collins McCoy, Office of Disclosure Policy, Division of Corporation Finance, (202) 272-2589.

8. Rule 463 and Form SR

The Commission may consider a comprehensive revision of Rule 463 and related Form SR under the Securities Act. Proposed amendments were published for comment in Securities Act Release No. 6251 (October 23, 1980) (45 FR 71811). Currently, Rule 463 requires first-time issuers to file on Form SR, within specified time limits, a report of sale of securities and use of proceeds therefrom. The proposed revision would expand the types of issuers required to file Form SR and would revise the disclosure requirements for Form SR, particularly those relating to use of proceeds and accounting for the expenses of offerings. The proposal is designed to elicit more meaningful information regarding first-time issuers, direct distributions and best efforts offerings. The legal basis for Rule 463

and Form SR thereunder is found in Section 19(a) of the Securities Act, which gives the Commission authority to make "such rules and regulations as may be necessary" to carry out the provisions of the Securities Act. The Commission expects to consider the appropriate action on Rule 463 and Form SR in late 1981. Agency contact: Susan Davis, Office of Disclosure Policy, Division of Corporate Finance, (202) 272-2390.

B. Securities Markets and Securities Industry Rules

1. Rules 10b-10 and 15c2-12

The Commission intends to consider whether to adopt or withdraw previously proposed amendments to Rule 10b-10 and proposed 15c2-12 under the Exchange Act. The amendments and the proposed rule would require brokers, dealers, and municipal securities dealers to disclose on customers' confirmations the amount of any remuneration received in certain transactions in debt securities. The proposals were published in Securities Exchange Act Release No. 15220 (Oct. 6, 1978) (43 FR 47333). The Commission at the same time may also consider whether to propose amendments to Rule 10b-10 to require the disclosure of certain yield and call information for transactions in debt securities and also to require the disclosure of the payment of "special compensation" to associated persons in connection with any securities transaction. The proposed amendments and the other proposals currently being considered are intended to provide customers with information that may be pertinent in assessing the quality of services provided by a broker or dealer. The amendments to Rule 10b-10 would be adopted pursuant to the Commission's authority under Sections 3, 10, 11, 15, 17 and 23 of the Exchange Act. The proposed Rule 15c2-12 would also be adopted pursuant to the above sections, as well as Section 15B of the Exchange Act. The Commission anticipates considering the proposals during the third calendar quarter of 1981. Agency contact: Jeffrey E. Jordan, Division of Market Regulation, (202) 272-2847.

2. Rule 15b7-1

The Commission plans to consider during the third calendar quarter of 1981 whether to repropose for further public comment proposed Rule 15b7-1. Section 15(b)(7) of the Exchange Act states that the Commission shall, by rule, adopt minimum qualification standards for broker-dealers. In implementing this section in 1977, the Commission proposed Rule 15b7-1 for comment in

Securities Exchange Act Release No. 13679 (June 27, 1977) (42 FR 34328). The proposed rule would establish uniform minimum qualification standards for all registered brokers and dealers (including SECO brokers and dealers) and their associated persons. The Commission will consider whether to consolidate and simplify various self-regulatory organization requirements and to eliminate unnecessary disparities in requirements of self-regulatory organizations and the Commission's rules applicable to non-member broker-dealers. Agency contact: Patricia Payne, Division of Market Regulation, (202) 272-2840.

3. Rules 15c3-2 and 17a-23

The Commission intends to consider during the third calendar quarter of 1981 whether to propose a new Rule 17a-23 and to repropose previously proposed amendments to Rule 15c3-2, prescribing minimum delivery and disclosure requirements for customer account statements. The Commission may consider whether to amend Rule 15c3-2 to require broker-dealers to send at least quarterly a statement to each customer for whom the broker-dealer owes or has owed money or securities since the date of the last statement. The statement would set forth all money balances and securities positions in the customer's account as of the date of the statement and would make disclosures relating to use of customer securities and free credit balances in the broker-dealer's business. Also, broker-dealers would be required to send a complete account statement, showing all transactions in a customer's account, upon request. Rule 17a-23, in contrast to Rule 15c3-2, would require that most broker-dealers automatically send at least quarterly a complete account statement to their customers. This rule also would include a requirement that the account statement disclose information on the remuneration received from the customer by the broker-dealer. The proposals are designed to make available to investors on a regular basis information necessary for them to understand, reconcile, and evaluate trading activity in their accounts. These rules would be proposed pursuant to the Commission's authority under Sections 15, 17, and 23 of the Exchange Act. A proposal to amend Rule 15c3-2 was previously published in Securities Exchange Act Release No. 11196 (Jan. 23, 1975) (40 FR 4454). Agency contact: Michael Cline, Division of Market Regulation, (202) 272-2415.

4. Rule 17a-5

The Commission intends to consider during the third calendar quarter of 1981 whether to propose to engage in rulemaking to reconsider whether existing exemptions from the requirement that brokers and dealers file audited reports pursuant to Rule 17a-5 adequately reflect current costs to broker-dealers and benefits to the public. Currently, most broker-dealers file an annual report with audited financial statements pursuant to Rule 17a-5. Some broker-dealers, however, are exempt from that requirement, and the Commission may consider whether to create new exemptions or to eliminate any of the existing exemptions, except those for specialists and floor brokers, in order to assure the integrity of required reports. The amendments would be proposed pursuant to the Commission's rulemaking authority under Sections 15, 17 and 23 of the Exchange Act. Agency contact: Michael Macchiaroli, Division of Market Regulation, (202) 272-2372.

5. Rule 17a-5

During the third calendar quarter of 1981 the Commission intends to consider whether to repropose for further public comment amendments to Parts II and IIA of the Financial and Operational Combined Uniform Single Report ("FOCUS Report"), which is required to be filed by brokers and dealers pursuant to Rule 17a-5. Part II of the FOCUS Report is filed quarterly by brokers and dealers who clear transactions or carry customer accounts; a shorter Part IIA of the FOCUS Report is filed quarterly by brokers and dealers who neither clear transactions nor carry customer accounts. The amendments are designed to revise and clarify certain operational and financial reporting requirements. The amendments were first published for public comment in Securities Exchange Act Release No. 17138 (Sept. 9, 1980) (45 FR 62092) pursuant to Sections 15, 17, and 23 of the Exchange Act. Agency contact: James Moody, Division of Market Regulation, (202) 272-2370.

C. Investment Management Rules

1. Rule 3a-4

In Investment Company Act Release No. 11391 (October 10, 1980) (45 FR 69479), the Commission proposed for public comment Rule 3a-4 which would deem investment management services providing their clients with individualized treatment not to be investment companies for purposes of the Investment Company Act. The principal objective of the rule would be

to provide a "safe harbor" for any investment manager which provides its clients with treatment based on the individual needs and goals of each client. Under such circumstances, regulation of investment management services under the Investment Company Act would appear to be unnecessary. The authority of the Commission to promulgate this rule is in Sections 6(c) and 38(a) of the Investment Company Act. The comment period for the proposal expired in January 1981, and the approximate date for completing action is August 31, 1981. Agency contact: Arthur J. Brown, Division of Investment Management, (202) 272-2048.

2. Proposed Rule 22d-6

The Commission is considering whether to propose a Rule 22d-6, which would exempt certain persons from the provisions of Section 22(d) of the Investment Company Act. That section generally requires that redeemable securities issued by investment companies be sold to the public only at a current offering price described in the prospectus. The rule would permit an investment company and its underwriters to decide the pricing system for the securities being offered without first obtaining Commission approval therefore or a specific exemption from Section 22(d) of the Investment Company Act. The authority for the Commission to propose any such rule is in Sections 6(c) and 38(a) of that Act. The approximate date for completing action is June 30, 1981. Agency contact: Arthur J. Brown, Division of Investment Management, (202) 272-2048.

3. Rule 180

In Securities Act Release No. 6247 (October 14, 1980) (45 FR 69476) the Commission proposed for public comment Rule 180, which would exempt from the registration requirements of the Securities Act interests and participations issued in connection with the tax-qualified retirement plans commonly known as "H.R. 10" plans of certain partnerships. Because H.R. 10 plans are not entitled to the exemption from registration available to the tax-qualified retirement plans of certain employers, many such plans have applied for and received exemptions from such registration requirements. The proposed rule is designed to obviate the need for most, if not all, such applications. The legal basis of the Commission's authority to take this action is in Section 3(a)(2) of the

Securities Act. The comment period for this rule expired in January 1981, and the approximate date for completing action is September 30, 1981. Agency contact: Arthur J. Brown, Division of Investment Management, (202) 272-2048.

4. Amendment of Rule 17g-1

In Investment Company Act Release No. 11193 (June 2, 1980) (45 FR 38407), the Commission proposed for public comment an amendment to Rule 17g-1 under the Investment Company Act, which would clarify the scope of the rule by explicitly requiring bonding of officers and employees of an investment company's depositor, trustee, investment adviser or other manager, and of any affiliated person of such persons, who, because they have access to the securities or funds of the investment company, function as officers and employees of the investment company. The authority of the Commission to promulgate such rule is in Sections 17(g) and 38(a) of the Investment Company Act. The period for public comment expired in July 1980, and the approximate date for completing action is July 31, 1981. Agency contact: Arthur J. Brown, Division of Investment Management, (202) 272-2048.

5. Amendments to Form N-1Q

The Commission proposed amendments to Form N-1Q under the Investment Company Act in Investment Company Act Release No. 11448 (November 17, 1980) (45 FR 78158). Form N-1Q is used by most investment management companies to report the occurrence during the preceding calendar quarter of any one or more of twelve specified events. The principal change proposed by the Commission was to replace the requirement that investment companies filing Form N-1Q list certain information about changes in their securities portfolios on a calendar quarterly basis with a requirement that this information be reported annually on either Form N-1 or Form N-2, the registration statement forms under the Investment Company Act and the Securities Act for, respectively, open-end and closed-end management investment companies. In addition, the Commission proposed to add the continuation of the reporting company's current investment advisory contract to the list of routine matters submitted to a vote of the company's security holders which need not be reported on Form N-1Q. The proposals are designed to reduce the number of times a reporting company must file Form N-1Q. The legal

basis for the proposals lies in the Commission's authority to prescribe quarterly reporting by investment companies under Sections 8 and 30 of the Investment Company Act and Sections 13 and 15(d) of the Exchange Act. The comment period expired on February 27, 1981. The approximate date for completing action is April 30, 1981. Agency contact: Jane A. Kanter, Division of Investment Management, (202) 272-2112 or Anthony A. Vertuno, Division of Investment Management, (202) 272-2107.

6. Standardization of Financial Statement Requirements

On December 15, 1980 (in Investment Company Act Release No. 11490 [45 FR 83517]), the Commission proposed amendments to Regulation S-X, the Commission's general regulation on the form and content of and requirements for financial statements in disclosure documents; amendments to Forms N-1 and N-2, the registration statement forms under the Securities Act and Investment Company Act for, respectively, open-end and Investment Company Act for respectively, open-end and closed-end management companies; and new Rule 30d-1 under the Investment Company Act. The proposals would reconcile the differences in the financial statements required of management for investment company prospectuses and shareholder reports and would thus permit such companies to prepare a single set of financial statements for both the annual report to shareholders and the updated prospectus. In addition, open-end management investment companies would be permitted, at their option, either to incorporate by reference financial statements from shareholder reports into the prospectus or to transmit a currently effective prospectus as the equivalent of any report to shareholders. The Commission's legal basis for the proposed amendments is the Commission's authority under Section 7, 8 and 19(a) of the Securities Act to prescribe the form of prospectuses and under Sections 8, 30(d), 31(c) and 38(a) of the Investment Company Act to prescribe the form of shareholder reports and to provide for uniformity in financial statements filed by investment companies. The comment period on these proposals expired on March 16, 1981, and the approximate date for completing action is June 1, 1981. Agency contact: Susan P. Hart, Division of Investment Management,

(202) 272-2098 or Dianne E. O'Donnell, Division of Investment Management, (202) 272-2116.

7. Revisions to Forms ADV and ADV-S, Amendments to Rules 204-1 and 204-3

On January 30, 1979, the Commission adopted new integrated disclosure requirements for investment advisers registered under the Advisers Act, which became effective on July 31, 1979 (Advisers Act Release No. 664 [44 FR 7870]). These requirements consist principally of certain revisions to Form ADV, the investment adviser registration form; new Rule 204-3 (the "Brochure Rule") and new Form ADV-S, a short annual supplement to Form ADV. Form ADV was reorganized into two parts. Revisions contained in Part I reflect, in part, amendments to the Advisers Act made by the Securities Acts Amendments of 1975 and also seek information about the basic characteristics of the advisory industry to facilitate the Commission's efforts to improve its regulatory effort regarding investment advisers and to allow its investment adviser inspection program to operate more effectively. Revisions contained in Part II, in substantial part, related to the requirements of the Brochure Rule. As a general matter, the Brochure Rule requires an investment adviser to deliver, or to offer to deliver, to prospective and existing clients a written disclosure statement which contains specified information regarding the background and business practices of the adviser. An investment adviser may deliver or offer to deliver either a copy of Part II of Form ADV or another document containing at least the same information. Form ADV-S is a two-page supplement to Form ADV which must be filed annually by all registered investment advisers. The Commission intends to propose amendments to the integrated disclosure requirements designed to correct inconsistencies and technical errors and to eliminate unnecessary provisions in the forms and rules. The proposals would have their legal basis in the Commission's authority under: (i) Section 203(c) to prescribe the form to be used, and certain information to be provided in applications, for investment adviser registration; (ii) Section 204 to prescribe records which an adviser subject to registration shall make and keep and furnish or make available to the Commission; (iii) Section 206(4) to define and prescribe means reasonably designed to prevent acts, practices and courses of business by investment advisers which would be fraudulent, deceptive or manipulative; and (iv)

Section 211(a) to make or amend such rules as are necessary or appropriate to the exercise of the functions and power conferred upon the Commission in the Advisers Act. The approximate date for completing action is May 27, 1981. Agency contact: Michael Berenson, Division of Investment Management, (202) 272-2079.

8. Amendments to Rule 204-2

Section 204 of the Advisers Act requires investment advisers subject to registration under Section 203 to make and keep such records and furnish such copies thereof as the Commission, by rule, may prescribe. Section 204 also provides that such records are subject at any time to reasonable examination by the Commission's representatives. Rule 204-2, adopted in 1962, sets out the requirements which investment advisers subject to registration must follow as to recordkeeping. The staff has recently completed its first comprehensive review of Rule 204-2 since its adoption. As a result of this review, a number of amendments to Rule 204-2 are being proposed which would clarify the nature and extent of the books and records required to be kept by investment advisers. These proposed amendments reflect changes in the nature of the investment advisory industry since adoption of the rule and the experience of the Commission staff in conducting its inspection program. The proposed amendments would be adopted pursuant to the Commission's authority under: (i) Section 204 to prescribe such records an adviser subject to registration shall make, keep, furnish and make available to the Commission; and (ii) Section 211(a) to make, issue, amend and rescind such rules and regulations and such orders as are necessary or appropriate to the exercise of the functions and powers conferred upon the Commission elsewhere in the Advisers Act. The approximate date for completing action in September 30, 1981. Agency contact: Michael Berenson, Division of Investment Management, (202) 272-2079.

II. Public Comment

The Commission invites public comment on any aspect of the subject areas or particular items in the foregoing regulatory flexibility agenda.

By the Commission,
George A. Fitzsimmons,
Secretary.

April 20, 1981.

[FR Doc. 81-12470 Filed 4-20-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 282

Incremental Pricing; Adoption of Single-Tier Alternative Fuel Price Ceiling

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission proposes to amend its regulations on incremental pricing under Title II of the Natural Gas Policy Act of 1978. Because of problems relating to the calculation of price ceilings and the potential wasteful capital investment inherent in a three tier-system, the Commission proposes to amend §§ 282.402 and 282.403 to permanently establish a single-tier, high sulfur No. 6, alternative fuel price ceiling.

DATES: Written comments on the proposed rule are due on May 22, 1981. Written requests for a public hearing are due on May 7, 1981.

ADDRESS: Comments and requests for hearing must be filed with: the Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Thomas P. Gross, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-8171, or Ronald Leach, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, (202) 357-5417.

SUPPLEMENTARY INFORMATION: Issued: April 22, 1981.

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations on incremental pricing (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). Specifically, the Commission proposes to amend §§ 282.402 and 282.403 to permanently establish a single-tier, high-sulfur No. 6, alternative fuel price ceiling.

II. Alternative Fuel Price Ceiling

A. Background

Title II of the NGPA requires the Commission, within certain guidelines, to institute and administer an incremental pricing program. The program is designed to pass through, by

surcharge, a portion of the increases in the wellhead prices of natural gas allowed under Title I of the NGPA to certain industrial facilities that use of natural gas as boiler fuel. The purpose of the program is to shield high-priority customers from the natural gas price increases permitted under Title I and to prepare the market for deregulation of natural gas pricing in 1985.

Generally, under Title II of the NGPA, the incremental pricing surcharge applicable to a particular facility is the difference between the price paid for natural gas by that facility and the price at which the facility can purchase alternative fuel. The price of the alternative fuel, the alternative fuel price ceiling, is determined in accordance with section 204(e) of the NGPA. Section 204(e)(1) provides that the alternative fuel price ceiling for an incremental pricing region is the price of No. 2 fuel oil that is determined by the Commission to be paid by industrial users in that region. Section 204(e)(2) provides that the Commission may reduce the alternative fuel price ceiling to an amount not lower than the price for No. 6 fuel oil, if it determines that the reduction is necessary to prevent an increase in rates to residential, small commercial, and other high priority customers.

On September 28, 1979, the Commission issued a rulemaking in Docket No. RM79-21 (Order No. 50) implementing section 204(e) by establishing a three-tier system for alternative fuel price ceilings.¹ Under this system, three alternative fuel price ceilings are to be published for each incremental pricing region. The three price ceilings are calculated on the basis of sales in the region of No. 2 fuel oil, low-sulfur No. 6 fuel oil, and high-sulfur No. 6 fuel oil, respectively. The price ceiling applicable to a particular industrial boiler fuel facility is the price published for the region in which that facility is located which corresponds to the lowest priced fuel oil that the facility has the installed capability and legal authority to burn.

However, for reasons discussed below, the Commission determined that implementation of the three-tier system was inappropriate at that time, and, accordingly, also issued on September 23, 1979, a second rulemaking in Docket No. RM79-21 (Order No. 51),² which

¹ Regulations Implementing Alternative Fuel Cost Ceilings on Incremental Pricing under the Natural Gas Policy Act of 1978, Docket No. RM79-21, Order No. 50, issued September 28, 1979, 44 FR 57754 (October 5, 1979).

² Rule Exempting Industrial Boiler Fuel Facilities from Incremental Pricing Above the Price of No. 6

postponed the application of the three-tier system of alternative fuel price ceilings. Issued under the authority of section 206(d) of the NGPA, Order No. 51 provided that from January 1, 1980 until November 1, 1980, a single-tier, high-sulfur No. 6 alternative fuel price ceiling would be published for each region and would be applied to incrementally-priced industrial facilities. This single-tier system temporarily exempted industrial facilities from that portion of incremental pricing surcharges which would otherwise result from application of an alternative fuel price ceiling above the price of No. 6 high-sulfur fuel oil, regardless of the facilities' alternative fuel capabilities.

Because the Commission foresaw that the problems with the three-tier system would not be solved by November 1, 1980, the Commission subsequently issued another rulemaking in Docket No. RM79-21 (Order No. 81),³ which extended the application of a single-tier, high-sulfur No. 6 fuel oil, price ceiling until October 31, 1981. Thus three-tier system is presently scheduled to take effect on November 1, 1981.

B. Discussion

The problems which have thus far induced the Commission to refrain from imposition of the three-tier system relate to the calculation of the price ceilings and to the potential wasteful capital investment inherent in a three-tier system.

With respect to the calculation of the price ceilings, the Commission and its staff, in conjunction with the Energy Information Administration (EIA),⁴ have devoted a great deal of time and effort to analysis of the appropriate incremental pricing regions for which price ceilings should be calculated and to analysis of the methodology which would yield price ceilings that would most accurately reflect the price of alternative fuel in each region.⁵ For reasons discussed therein, the Commission in Order No. 50 established that the current incremental pricing regions are the 48 continental states. Based upon its analysis and upon its experience to date in administering the

Fuel Oil, Docket No. RM79-21, Order No. 51, issued September 28, 1979, 44 FR 57778 (October 5, 1979).

³ Rule Further Exempting Industrial Boiler Fuel Facilities From Incremental Pricing Above the Price of No. 6 Fuel Oil and Applying Ceiling Prices to Forty-Eight Incremental Pricing Regions, Docket No. RM79-21, Order No. 81, issued May 7, 1980, 45 FR 31300 (May 13, 1980).

⁴ The Energy Information Administration of the Department of Energy is responsible for the collection of data and the calculation and publication of the alternative fuel price ceilings.

⁵ See, e.g., Notice of Inquiry, Docket No. RM79-21, issued November 4, 1980, 45 FR 74505 (November 10, 1980).

incremental pricing program, the Commission has determined that, in view of the present fluctuations in the oil market, even under the single-tier system there are serious difficulties in developing a methodology which would yield an alternative fuel price ceiling that accurately reflects the current price of fuel oil, on a monthly basis, in the individual states. The difficulties primarily center around the requirement that the price ceiling for a particular state must be calculated on the basis of the sale prices of the fuel oil in that state for a particular month. In states where there have been only a few sales of fuel oil in that month, the price ceiling computed on the basis of so few sales can lead, and has led, to significant disparities in price ceilings in neighboring states.⁶ Such disparities generally indicate that the price ceiling do not always accurately reflect the actual market price of the alternative fuel, since many facilities could buy the alternative fuel in the neighboring state at a lower price than the price ceiling calculated for their own state. Commission experience and comments received in another docket⁷ indicate that incrementally priced facilities are sensitive to increases in price ceilings. The Commission, therefore, is concerned about disparities that might lead to fuel switching and commensurate load loss. Such load loss could result in shifting a higher proportion of fixed system costs to high-priority gas customers, thereby defeating one purpose of the incremental pricing program, the partial shielding of high-priority users from higher natural gas costs.

Although the Commission has attempted to mitigate these difficulties by revising its methodology to computing price ceilings,⁸ it believes that implementation of the three-tier system, requiring the calculation of price ceilings for three fuel oils on a monthly basis for each state, would create additional disparities and would exacerbate the problems associated with the calculation of the price ceilings. In view of the problems associated with

⁶ See, e.g., Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Kentucky, Interim Rule, Docket No. RM81-9, issued December 24, 1980, 46 FR 2036 (January 8, 1981).

⁷ See comments submitted in response to a Notice of Inquiry in Docket No. RM79-21, issued November 4, 1980, 45 FR 74505 (November 10, 1980) and Rule Adopting Revised Alternative Fuel Price Ceilings for the State of Kentucky, Interim Rule, Docket No. RM81-9, issued December 24, 1980, 46 FR 2036 (January 8, 1981).

⁸ Regulations Implementing Alternative Fuel Price Ceilings for Incremental Price Under the Natural Gas Policy Act of 1978, Interim Rule, Docket No. RM79-21, issued March 2, 1981, 46 FR 15496 (March 6, 1981).

calculation of the alternative fuel price ceilings under the single-tier system and the foreseeable multiplication of those problems under the three-tier system, the Commission has concluded that an accurate, equitable, and administrable three-tier price ceiling program has not yet been, and may not be able to be, developed.

In addition to the problems associated with the calculation of the price ceilings, the Commission is also concerned, as noted in earlier rulemakings,⁹ that implementation of the three-tier system, to a certain extent, would be ineffective. As discussed above, incrementally priced facilities are sensitive to even small increases in alternative fuel price ceilings. The Commission believes that the substantial increases in price ceilings which would result from implementation of the three-tier system would cause facilities that do not now possess the capability for using No. 6 fuel oil as an alternative fuel to make substantial investments to acquire that capability, solely for the purpose of qualifying for a lower incremental pricing surcharge. Such actions would result in potential wasteful capital investments for equipment not likely to be used and would undercut the purpose of the three-tier system by permitting, in effect, facilities whose only alternative fuel is higher-priced No. 2 fuel oil to be incrementally priced at the lower, No. 6 fuel oil price.

The Commission recognizes that, in the short term, a three-tier system theoretically would maximize the recovery of incremental costs from industrial facilities by maximizing the surcharges absorbed by those facilities. However, it believes that this benefit is outweighed by the problems discussed above. Furthermore, in the long term, the benefit may be illusory, due to the fuel switching and installation of unnecessary lower-priced fuel oil burning capability. Accordingly, the Commission is proposing a rule that would establish, on a permanent basis, the current single-tier system, based on the price of high-sulfur No. 6 fuel oil, for all incrementally priced facilities.

Section 206(d) of the NGPA provides that the Commission "may by rule or order, provide for the exemption, in whole or in part, of any other incrementally priced industrial facility or category thereof" from the incremental pricing program. The proposed rule would be issued pursuant to section 206(d) as were Order Nos. 51 and 81, which postponed implementation of the three-tier system. However, interested persons are

encouraged to submit comments and data relating to the required findings under section 204(e) for implementation of a single-tier system.

C. Summary of the Proposed Rule

The proposed rule would amend §§ 282.402 and 282.403 of the Commission's current regulations. Current § 282.402(a), which states that a facility's alternative fuel capability is to be determined in accordance with § 282.403, would be deleted. Current § 282.402(b)(1), which provides for the determination and publication of alternative fuel price ceilings based on sales of No. 2 fuel oil, low-sulfur No. 6 fuel oil and high-sulfur No. 6 fuel oil, would also be deleted.

Current § 282.402(b)(2), with two changes, would become the general rule is revised § 282.402. The changes are: (1) the addition of a phrase to specify that the published price ceiling is the price ceiling for high-sulfur No. 6 fuel oil; and (2) the deletion of the clause relating to the alternative fuel capability of the facility. Thus, revised § 282.402 would generally provide that the alternative fuel price ceiling applied to a non-exempt industrial boiler fuel facility for any month is the ceiling which is published for high-sulfur No. 6 fuel oil for that month for the incremental pricing region in which the facility is located.

Current § 282.402(c), which provides for the temporary imposition of a single-tier system, would be deleted.

Current § 282.403(a) provides that an incrementally priced facility is deemed to have the capability of using No. 2 fuel oil as an alternative to natural gas, unless the facility is certified to have the capability to burn other specified fuel oils. Paragraphs (b) through (i) of current § 282.403 establish the requirements for obtaining certification. Since under the proposed rule, the alternative fuel price ceiling applicable to all facilities would be high-sulfur No. 6 fuel oil, current § 282.403 would be deleted in its entirety.

III. Congressional Review

Rules issued pursuant to section 206(d) of the NGPA are required to be submitted to Congress prior to becoming effective. Accordingly, if the Commission issues a final rule in this docket, as proposed, under authority of section 206(d), the rule would be transmitted to each House of Congress and would take effect after 30 days from the transmittal date of continued session of Congress (as set forth in section 507(b) of the NGPA), unless either House of Congress adopts a resolution of disapproval within the 30-day period.

Congress will therefore have the opportunity to review the considerations inherent in the choice between a single-tier or three-tier system. If Congress disapproves this exemption, the three-tier system will go into effect.

IV. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA)¹⁰ requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(b) of the RFA, the Commission finds that the provisions of that Act do not apply to this rulemaking. If promulgated, this rulemaking would permanently establish the program already in effect for alternative fuel price ceilings. The program would continue to use the single-tier price ceiling (at the level of high-sulfur No. 6 fuel oil) and would not impose any additional requirements. Those who are required to comply with the filing requirements of the existing program are generally large oil dealers whose individual sales of high-sulfur No. 6 fuel oil are in excess of 4,000 gallons. Moreover, small industrial boiler fuel facilities are exempt from any incremental pricing surcharges.

Therefore, this rulemaking does not impose any regulatory or administrative burden upon small entities, nor does it require an expense of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

V. Comment Procedures

A. Written Comments

Interested persons are invited to submit written comments, data, views, or arguments with respect to this notice. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM81-27. An original and 14 copies should be filed. All comments received on or before May 22, 1981, will be considered by the Commission prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Office of Public Information, Room 1000, 825 North

¹⁰ 5 U.S.C. 601-612 (Pub. L. 96-354, September 19, 1980).

⁹ See, e.g., Order Nos. 51 and 81, *supra*.

Capitol Street NE., Washington, D.C., 20426, during regular business hours.

B. Public Hearing

Interested persons may request the opportunity for an oral presentation of their views at a public hearing. Requests for an oral hearing should be submitted no later than May 7, 1981, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, and should reference Docket No. RM81-27. If any requests are received by that time, the Commission will give notice of the date and time of the public hearing by May 12, 1981. Interested persons may also obtain information on the public hearing by calling the Office of the Secretary of the Commission on or after that date.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.* Department of Energy Organization Act, 42 U.S.C. 7701 *et seq.* E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission proposes to amend Part 282, Subchapter I of Chapter I, Title 18 of the Code of Federal Regulations, as provided below.

By direction of the Commission,

Kenneth F. Plumb,
Secretary.

1. Section 282.402 is revised to read as follows:

§ 282.402 General rule.

The alternative fuel price ceiling which shall be applied to a non-exempt industrial boiler fuel facility for incremental pricing purposes for any month shall be the ceiling which has been published for No. 6 high-sulfur fuel oil for that month, in accordance with § 282.404, for the incremental pricing region in which the facility is located, except as permitted in § 282.405.

§ 282.403 [Reserved]

2. Section 282.403 is removed and reserved.

[FR Doc. 81-12805 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-65-M

18 CFR Part 282

[Docket No. RM81-28]

Incremental Pricing: Elimination of 31 Metropolitan Regions

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission proposes to amend its regulations on incremental

pricing under Title II of the Natural Gas Policy Act of 1978. Specifically, the Commission proposes to amend § 282.404 to eliminate the 31 metropolitan areas as incremental pricing regions, because they lack statistically significant data for the calculation of accurate alternative fuel price ceilings.

DATES: Written comments on the proposed rule are due on May 22, 1981. Written requests for a public hearing are due on May 7, 1981.

ADDRESS: Comments and requests for hearing must be filed with: the Office of the Secretary, 825, North Capitol Street, NE., Washington, D.C. 20426.

FOR FURTHER INFORMATION CONTACT:

Thomas P. Gross, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-8171.

Ronald Leach, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, (202) 357-5417.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Federal Energy Regulatory Commission (Commission) is proposing to amend its regulations on incremental pricing (18 CFR Part 282) under Title II of the Natural Gas Policy Act of 1978 (NGPA) (15 U.S.C. 3301-3432). Specifically, the Commission proposes to amend § 282.404 to eliminate the 31 metropolitan areas as incremental pricing regions.

II. The Metropolitan Regions

A. Background

Section 204(e) of the NGPA provides that the Commission is to designate the incremental pricing regions for which alternative fuel price ceilings are to be determined. In Order No. 50,¹ the Commission established that there are 48 incremental pricing regions corresponding to the 48 continental states. It also provided that, as of October 20, 1980, the number of regions would be expanded to 79 regions, consisting of the 48 states and 31 metropolitan regions. Subsequently, in Order No. 81,² the Commission deferred implementation of the metropolitan regions until October 20, 1981. Accordingly, under the current

regulations, beginning on October 20, 1981, price ceilings must be determined and published for, and incremental pricing surcharges calculated on the basis of, 79 incremental pricing regions.

B. Discussion

The Commission's purpose for establishing 31 metropolitan regions in addition to the 48 state regions was to accurately reflect actual market prices which must be paid by incrementally priced facilities located in large metropolitan areas. The Commission believed that, due to circumstances peculiar to large metropolitan areas, the price at which alternative fuel would be available to facilities located in those areas might differ significantly from the price at which the fuel would be available to facilities located in other areas in the state. However, the Commission could not implement the metropolitan regions immediately, because the Energy Information Administration (EIA) was experiencing difficulties in calculating statistically accurate price ceilings for those regions due to insufficient oil price data.³ The Commission therefore postponed implementation of the metropolitan regions until October 1980 to give EIA time to develop a satisfactory methodology for making the necessary calculations. When it became clear that EIA would not be able to meet the October 1980 date, the Commission postponed implementation of the metropolitan regions until October 20, 1981.

In a Notice of Inquiry in Docket No. RM79-21, the Commission explored the difficulties encountered by EIA and sought comment on the advisability, in light of the difficulties, of continuing its attempts to implement the metropolitan regions as incremental pricing regions.⁴ Although some comments urged implementation for the metropolitan regions based upon the different circumstances for facilities located in those regions as compared to facilities located elsewhere in the state, other commenters, including a large trade association representing the natural gas industry, urged the Commission to eliminate the metropolitan regions. The trade association, previously an advocate of the use of the metropolitan regions, reassessed its position and concluded that lack of available data on

¹ Regulations Implementing Alternative Fuel Cost Ceilings on Incremental Pricing under the Natural Gas Policy Act of 1978, Docket No. RM79-21, Order No. 50, issued September 28, 1979, 44 FR 57754 (October 5, 1979).

² Rule Further Exempting Industrial Boiler Fuel Facilities From Incremental Pricing Above the Price of No. 6 Fuel Oil and Applying Ceiling Prices to Forty-Eight Incremental Pricing Regions, Docket No. RM79-21, Order No. 81, issued May 7, 1980, 45 FR 31300 (May 13, 1980).

³ The Energy Information Administration of the Department of Energy is responsible for the collection of data and the calculation and publication of the alternative fuel price ceilings.

⁴ Notice of Inquiry, Docket No. RM79-21, issued November 4, 1980, 45 FR 74505 (November 10, 1980).

oil prices militates against adoption of the metropolitan areas.

After more than a year's experience in administering the program with 48 incremental pricing regions and more than two years' effort in studying the advantages and disadvantages associated with implementation of the 31 metropolitan regions, the Commission believes that no benefit will be gained by adding the 31 metropolitan areas as incremental pricing regions. The lack of statistically significant data upon which to base calculations of alternative fuel price ceilings for the metropolitan regions makes the purpose for adding the regions, more accurate price ceilings, unattainable. Accordingly, the Commission is proposing to eliminate the 31 metropolitan regions, and to retain the 48 state regions, as incremental pricing regions.

C. Summary of the Proposed Rule

The proposed rule would revise § 282.404 and Appendix I to Subpart D of Part 282 of the Commission's regulations. Paragraph (a) of § 282.404, which sets the general rule for publishing alternative fuel price ceilings and lists corrections to previously published price ceilings, would not be changed by the proposed rule.

Current paragraph (b)(1) of § 282.404, which establishes the date upon which the monthly price ceilings will be published, would remain unchanged in substance by the proposed rule. Current paragraph (b)(2), which establishes the date for publication of price ceilings for the metropolitan regions, would be deleted.

Current paragraph (c)(1) of § 282.404 provides that, until publication of price ceilings for the metropolitan regions, the 48 state regions are the incremental pricing regions. The proposed rule would delete the clause referring to the metropolitan regions, thus removing any limitation on the 48 state regions as incremental pricing regions. The proposed rule would delete current paragraph (c)(2) which provides that, after the date of publication of price ceilings for the metropolitan regions, the incremental pricing regions will be the 48 state regions and the 31 metropolitan regions.

Appendix I to Subpart D of Part 282 lists the 31 metropolitan regions and eight multistate regions. The proposed rule would delete the list of metropolitan regions.

Finally, the map at the end of Appendix I, on which the metropolitan regions are represented, would be deleted by the proposed rule.

III. Certification of No Significant Economic Impact

The Regulatory Flexibility Act (RFA)⁵ requires certain statements, descriptions and analyses of proposed rules that will have "a significant economic impact on a substantial number of small entities."

Pursuant to section 605(b) of the RFA, the Commission finds that the provisions of that Act do not apply to this rulemaking. If promulgated, this rulemaking would permanently establish the incremental pricing regions already in effect for which alternative fuel price ceilings are published. The program would continue to use the 48 states as regions and eliminate the 31 metropolitan areas as regions. No additional requirements would be imposed. Those who are required to comply with the filing requirements of the existing program are generally large oil dealers whose individual sales of high-sulfur No. 6 fuel oil are in excess of 4,000 gallons. Moreover, small industrial boiler fuel facilities are exempt from any incremental pricing surcharges.

Therefore, this rulemaking does not impose any regulatory or administrative burden upon small entities, nor does it require an expense of resources by such entities. For these reasons, the Commission hereby certifies that this rulemaking, if promulgated, would not have a significant impact on a substantial number of small entities.

IV. Comment Procedures

A. Written Comments

Interested persons are invited to submit written comments, data, views, or arguments with respect to this notice. Comments should be submitted to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM81-28. An original and 14 copies should be filed. All comments received on or before May 22, 1981, will be considered by the Commission, prior to promulgation of final regulations. All written submissions will be placed in the public file which has been established in this docket and which is available for public inspection through the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours.

B. Public Hearing

Interested persons may request the opportunity for an oral presentation of their views at a public hearing. Requests

for an oral hearing should be submitted no later than May 7, 1981, to the Office of the Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, and should reference Docket No. RM81-28. If any requests are received by that time, the Commission will give notice of the date and time of the public hearing by May 22, 1981. Interested persons may also obtain information on the public hearing by calling the Office of the Secretary of the Commission on or after that date.

(Natural Gas Policy Act of 1978, 15 U.S.C. 3301 *et seq.* Department of Energy Organization Act, 42 U.S.C. 7701 *et seq.* E.O. 12009, 42 CFR 46267 (1978))

In consideration of the foregoing, the Commission proposes to amend Part 282, Subchapter I of Chapter I, Title 18 of the *Code of Federal Regulations*, as provided below.

By direction of the Commission,
Kenneth F. Plumb,
Secretary.

1. Section 282.404 is revised in paragraphs (b) and (c) to read as follows:

§ 282.404 Alternative fuel price ceilings.

(b) *Publication.* Alternative fuel price ceilings shall be published for each of the contiguous 48 states of the continental United States on or before the twentieth day of each month.

(c) *Incremental pricing regions.* The incremental pricing regions used for purposes of this part shall be each of the contiguous 48 states within the continental United States. The alternative fuel price ceilings applicable to the District of Columbia shall be the ceilings published for the State of Maryland.

2. Appendix I to Subpart D of Part 282 is revised by removing the map of the continental United States illustrating the 31 metropolitan incremental pricing regions and is further revised to read as follows:

Appendix I—Incremental Pricing Regions

The following are multistate regions which may be used by the Commission in deriving alternative fuel price ceilings for state incremental pricing regions (1) for which statistically valid samples of oil prices may be unavailable, or (2) where the Commission determines that the public interest requires use of the regional ceiling in place of the state ceiling.

Region A—New England Multistate Region

Maine	Massachusetts
New Hampshire	Connecticut
Vermont	Rhode Island

⁵ 5 U.S.C. 601-612 (Pub. L. 96-354, September 19, 1980).

Region B—Mid-Atlantic Multistate Region

New York	Delaware
Pennsylvania	Maryland
New Jersey	

Region C—Southeastern Multistate Region

Virginia	Georgia
North Carolina	Florida
South Carolina	Alabama
Tennessee	Mississippi

Region D—Midwestern Multistate Region

West Virginia	Michigan
Kentucky	Illinois
Ohio	Wisconsin
Indiana	

Region E—Great Plains Multistate Region

Minnesota	Nebraska
Iowa	North Dakota
Missouri	South Dakota
Kansas	

Region F—South Central Multistate Region

Arkansas	Oklahoma
Louisiana	New Mexico
Texas	

Region G—Rocky Mountain Multistate Region

Montana	Utah
Idaho	Colorado
Wyoming	

Region H—Pacific Coast Multistate Region

Washington	California
Oregon	Arizona
Nevada	

[FR Doc. 81-12866 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-95-M

18 CFR Part 284**[Docket No. RM79-34]****Transportation Certificates for Natural Gas for the Displacement of Fuel Oil; Petition and Answer**

April 21, 1981.

AGENCY: Federal Energy Regulatory Commission.**ACTION:** Notice of petition and answer.

SUMMARY: The Commission's program for transporting natural gas to be used to displace fuel oil consumption is scheduled to expire on May 31, 1981. Seven participants in this program have filed a petition on March 10, 1981, seeking a rulemaking to extend this program and not to replace ultimately the regulations contained in Subpart F of Part 284 of the Commission's Regulations with a more comprehensive program. On April 7, 1981, the Process Gas Consumers Group and the American Iron and Steel Institute filed an answer opposing the conduct of the rulemaking. The Commission is giving notice of this petition and answer to afford the public an opportunity to comment on whether a notice and comment rulemaking proceeding is desirable on this question.

DATES: Comments due May 5, 1981.**ADDRESS:** Office of Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426.**FOR FURTHER INFORMATION CONTACT:** Robert C. Platt, Assistant Advisory Counsel, Office of the General Counsel, 825 North Capitol Street NE., Washington, D.C. 20426, 202-357-8457.**SUPPLEMENTARY INFORMATION:**

In the matter of Transportation Certificates for Natural Gas for the Displacement of Fuel Oil, Docket No. RM79-34; and Transportation of Oil Displacement Gas by Pipeline Pursuant to Blanket Certificates of Public Convenience and Necessity, Docket No. RM81-22.

Take notice that on March 10, 1981, Consolidated Edison Company of New York, Inc., National Gas and Oil Corporation, Ohio Producers Group, Public Service Electric and Gas Company, Salt River Project Agricultural Improvement and Power District, Long Island Lighting Company, Alabama-Tennessee Natural Gas Company and Phelps Dodge Corporation (Petitioners) filed a petition pursuant to Section 1.7 of the Commission's Rules of Practice and Procedure to conduct a rulemaking proceeding. Petitioners seek to extend the Commission's program authorizing the transportation of natural gas which is used to displace fuel oil consumption. This program, which was initially promulgated by Commission Order No. 30 is scheduled to expire on May 31, 1981. (See 18 CFR 284.201). The Petitioners seek a rulemaking to establish a permanent comprehensive program for transporting fuel oil displacement gas and would have the Commission extend the Order No. 30 program until the new comprehensive program would take effect.

On April 4, 1981, the Process Gas Consumers Group and the American Iron and Steel Institute (PGCG) filed an answer to the petition. PGCG disputes the factual basis for the petition and does not believe that the proposed rulemaking is desirable.

The Commission has not yet determined whether the public interest would be served by conducting the rulemakings proposed by the Petitioners, and, as an exercise of its discretion, brings this petition and answer to the attention of the public. This notice is not a notice of proposed rulemaking, but merely provides the public with an informal opportunity to comment in writing on the question of whether the Commission should take further action on the petition.

Any person desiring to be heard or to make any protest with reference to said petition should on or before May 5, 1981, file comments with the Federal Energy Regulatory Commission, Washington, D.C. 20426. The petition and answer are on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12861 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-95-M

DEPARTMENT OF THE TREASURY**Customs Service****19 CFR Part 4****Proposed Customs Regulations Amendments Concerning the Illegal Discharge of Oil and the Pollution of Coastal and Navigable Waters****AGENCY:** U.S. Customs Service, Treasury.**ACTION:** Proposed rule.

SUMMARY: This notice proposes to amend the Customs Regulations relating to the illegal discharge of oil and the pollution of coastal and navigable waters by the deposit of refuse matter or hazardous substances. The amendments are being proposed to conform the Customs Regulations with changes made by the Federal Water Pollution Control Act Amendments of 1972 (Pub. L. 92-500), which were enacted to restore and maintain the chemical, physical, and biological integrity of the nation's waters.

DATES: Comments must be received on or before June 29, 1981.**ADDRESS:** Comments (preferably in triplicate) may be addressed to the Commissioner of Customs, Attention: Regulations and Information Division, U.S. Customs Service, 1301 Constitution Avenue NW., Room 2426, Washington, D.C. 20229.**FOR FURTHER INFORMATION CONTACT:** Paul Hegland, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229 (202-566-5706).**SUPPLEMENTARY INFORMATION:****Background**

Pursuant to section 91, Title 46, United States Code (46 U.S.C. 91), before any vessel may depart the United States for a foreign port, clearance must be obtained from Customs at the port of departure. To assist in the enforcement of the Federal Water Pollution Control Act, as amended, the Water Quality

Improvement Act of 1970 (33 U.S.C. 1161, 1162), provides that the Secretary of the Treasury, at the request of the Secretary of the Department in which the Coast Guard is operating, shall withhold clearance of any vessel the owner or operator of which is subject to a penalty for violation of the Act.

Section 4.66a, Customs Regulations (19 CFR 4.66a), provides that if a district director of Customs receives a request from an officer of the Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for knowingly discharging oil in violation of the Water Quality Improvement Act of 1970, clearance shall not be granted until the request is withdrawn or a bond or other surety satisfactory to the Coast Guard has been filed.

Section 4.66b, Customs Regulations (19 CFR 4.66b), provides procedures for Customs officers to follow in reporting to the Coast Guard discharges of refuse matter, hazardous substances, or oil in U.S. waters in violation of section 13 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), and the Water Quality Improvement Act of 1970 (33 U.S.C. 1161, 1162).

The Federal Water Pollution Control Act Amendments of 1972 (33 U.S.C. 1321 (1976)), extended the provision for withholding clearance to include discharges of hazardous substances as well as oil, *whether discharged knowingly or not*, and deleted the provision for granting clearance upon withdrawal of the Coast Guard's request to withhold clearance. In addition, the authority cited for §§ 4.66a and 4.66b was changed to section 2, 86 Stat. 862, 864, 865, as amended; 33 U.S.C. 1321. Therefore, Customs proposes to amend §§ 4.66a and 4.66b, Customs Regulations, to conform with the amended law.

Proposed Amendments

It is proposed to amend Part 4, Customs Regulations (19 CFR Part 4), in the following manner:

Section 4.66a would be revised to read as follows:

§ 4.66a Illegal discharge of oil and hazardous substances.

If a district director receives a request from an officer of the U.S. Coast Guard to withhold clearance of a vessel whose owner or operator is subject to a civil penalty for discharging oil or a hazardous substance into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in quantities determined to be harmful by appropriate authorities, such clearance

shall not be granted until the district director is informed that a bond or other surety satisfactory to the Coast Guard has been filed.

(Sec. 2, 86 Stat. 862, *et seq.*, as amended; R.S. 4197, as amended; 33 U.S.C. 1321, 46 U.S.C. 911)

Section 4.66b(a) would be revised to read as follows:

§ 4.66b Pollution of coastal and navigable waters.

(a) If any Customs officer has reason to believe that any refuse matter is being or has been deposited in navigable waters or any tributary of any navigable waters in violation of section 13 of the Act of March 3, 1899 (30 Stat. 1152; 33 U.S.C. 407), or oil or a hazardous substance is being or has been discharged into or upon the navigable waters of the United States, adjoining shorelines, or into or upon the waters of the contiguous zone in violation of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1321), he shall promptly furnish to the district director a full report of the incident, together with the names of witnesses and, when practicable, a sample of the material discharged from the vessel in question.

(30 Stat. 1152; sec. 2, 86 Stat. 862, *et seq.*, as amended; 33 U.S.C. 407, 1321))

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with § 103.8(b), Customs Regulations (19 CFR 103.8(b)), on normal business days during the hours of 9:00 a.m. to 4:30 p.m., at the Regulations and Information Division, Room 2426, Headquarters, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229.

Authority

These changes are proposed under the authority of R.S. 251, as amended; R.S. 4197, as amended; 30 Stat. 1152; section 824, 46 Stat. 759; section 2, 86 Stat. 862, *et seq.*, as amended (19 U.S.C. 66, 1824; 33 U.S.C. 407, 1321; 46 U.S.C. 911).

Inapplicability of Regulatory Flexibility Act

Because the contemplated effects of the Federal Water Pollution Control Act Amendments of 1972 are presumed to have been considered by the Congress, and are considered to flow from that legal authority, not from the regulation, the regulation is not expected to have

significant secondary or incidental effects on a substantial number of small entities; impose, or otherwise cause, a significant increase in the reporting, recordkeeping, or other compliance burdens on a substantial number of small entities; or generate significant interest or attention from small entities through comments, either formal or informal.

Accordingly, the proposed amendments do not require a regulatory flexibility analysis under the provisions of Pub. L. 96-354, the "Regulatory Flexibility Act" (5 U.S.C. 601, *et seq.*).

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Approved: April 22, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.
William T. Archey,
Acting Commissioner of Customs.

[FR Doc. 81-12889 Filed 4-28-81; 8:45 am]

BILLING CODE 4810-22-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

Schedules of Controlled Substances; Proposed Placement of Halazepam, Alprazolam and Triazolam into Schedule IV

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice is a proposed rule to place the drugs, halazepam, alprazolam and triazolam, into Schedule IV of the Controlled Substances Act. The Administrator of the Drug Enforcement Administration has received recommendations from the Department of Health and Human Services that halazepam, alprazolam and triazolam be controlled in Schedule IV.

DATES: Comments must be submitted on or before June 29, 1981.

ADDRESS: Comments and objections should be submitted in triplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT:

Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Washington, D.C. 20537; Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION:

On March 19, 1981, the Administrator of the Drug Enforcement Administration received a letter from the Acting Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that triazolam be placed in Schedule IV of the Controlled Substances Act (Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 801-966)). Enclosed with this letter from the Acting Assistant Secretary was a document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control for triazolam. In his letter, the Acting Assistant Secretary recommended further that this scheduling action become effective if and when the triazolam New Drug Application (NDA) receives final approval by the Food and Drug Administration.

On March 20, 1981, the Administrator of the Drug Enforcement Administration received a letter from the Acting Assistant Secretary for Health, acting on behalf of the Secretary of the Department of Health and Human Services, recommending that alprazolam be placed in Schedule IV of the Controlled Substances Act (21 U.S.C. 801-966). A document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in recommending control for alprazolam accompanied this letter from the Acting Assistant Secretary. The Acting Assistant Secretary further stated that the alprazolam NDA is nearing final FDA approval and recommended that the scheduling action become effective immediately.

The Drug Enforcement Administration has received information from the Food and Drug Administration that the NDA for halazepam is nearing final approval. On January 23, 1976, the Assistant Secretary for Health sent a letter to the Administrator of the Drug Enforcement Administration which recommended that halazepam be placed into Schedule IV of the Controlled Substances Act (21 U.S.C. 801-966). Accompanying the letter from the Assistant Secretary was a document which listed the factors which the Act requires the Secretary to consider and the summarized considerations of the Secretary in

recommending control. Relying on the evaluations and recommendations of the Secretary, the Administrator of the Drug Enforcement Administration, in a Federal Register notice (41 FR 31553) dated July 29, 1976, proposed to place halazepam in Schedule IV of the Controlled Substances Act. No comments, objections or requests for hearing were received during the comment period. Since this scheduling proposal for halazepam was published almost five years ago, in light of the probability of the availability of new data relevant to the scheduling of halazepam, and in order to provide any newly interested parties an opportunity to comment on this matter, the Administrator of the Drug Enforcement Administration has decided to publish a second proposal to place halazepam in Schedule IV.

The factors considered by the Secretary for each of the drugs, triazolam, alprazolam and halazepam were:

- (1) Its actual or relative potential for abuse;
- (2) Scientific evidence of its pharmacological effect, if known;
- (3) The state of current scientific knowledge regarding the drug or other substance;
- (4) Its history and current pattern of abuse;
- (5) The scope, duration, and significance of abuse;
- (6) What, if any, risk there is to the public health;
- (7) Its psychic or physiological dependence liability; and
- (8) Whether the substance is an immediate precursor of a substance already controlled under the Controlled Substances Act.

Relying on the scientific and medical evaluation and the recommendation of the Acting Assistant Secretary for Health, received in accordance with section 201(f) of the Act (21 U.S.C. 811(f)), the Administrator of the Drug Enforcement Administration, pursuant to sections 201(a) and 201(b) of the Act, (21 U.S.C. 811(a) and 811(b)), finds that:

- (1) Based on information now available, alprazolam, halazepam and triazolam each have a low potential for abuse relative to the drugs or other substances currently listed in Schedule III;
- (2) Alprazolam, halazepam and triazolam will, upon issuance of New Drug Applications by the Food and Drug Administration, have currently accepted medical uses in treatment in the United States; and
- (3) Abuse of alprazolam, halazepam and triazolam may lead to limited

physical dependence or psychological dependence relative to the drugs or other substances in Schedule IV.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Act (21 U.S.C. 811(a)), and delegated to the Administrator of the Drug Enforcement Administration by regulations of the Department of Justice (28 CFR Part 0), the Administrator hereby proposes to revise 21 CFR 1308.14(c)(1)-(24) to read as follows:

§1308.14 Schedule IV.

(c) * * *

(1) Alprazolam	2,882
(2) Barbitol	2,145
(3) Chloral betaine	2,460
(4) Chloral hydrate	2,465
(5) Chlordiazepoxide	2,744
(6) Clonazepam	2,737
(7) Clorazepate	2,768
(8) Diazepam	2,765
(9) Ethchlorvynol	2,540
(10) Ethinamate	2,545
(11) Flurazepam	2,767
(12) Halazepam	2,762
(13) Lorazepam	2,685
(14) Mebutamate	2,800
(15) Meprobamate	2,820
(16) Methohexital	2,264
(17) Methylphenobarbital (mephobarbital)	2,250
(18) Oxazepam	2,635
(19) Paraldehyde	2,585
(20) Petrichloral	2,591
(21) Phenobarbital	2,285
(22) Prizepam	2,764
(23) Temazepam	2,925
(24) Triazolam	2,867

All interested persons are invited to submit their comments or objections in writing regarding this proposal. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief. Comments and objections should be submitted in quintuplicate to the Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds warrant a hearing, the Administrator shall order a public hearing by notice in the Federal Register, summarizing the issues to be heard and setting the time for the hearing (which will not be less than 30 days after the date of the order).

Pursuant to Title 5, United States Code, Section 605(b), the Administrator certifies that the control of alprazolam, halazepam, and triazolam, as proposed herein, will have no significant impact upon small businesses or other entities whose interests must be considered under the Regulatory Flexibility Act. The actions involve the proposed initial

control of substances not previously approved for marketing in the United States.

In accordance with the provisions of Section 201(a) of the Controlled Substances Act (21 U.S.C. 811(a)), this proposal to place alprazolam, halazepam and triazolam into Schedule IV, is a formal rulemaking "on the record after opportunity for a hearing." Such formal proceedings are conducted pursuant to the provisions of 5 U.S.C. 556 and 557 and as such, have been exempted from the consultation requirements of Executive Order 12291.

Dated: April 21, 1981.

Peter B. Bensinger,

Administrator, Drug Enforcement Administration.

[FR Doc. 81-12771 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

24 CFR Part 888

[Docket No. R-81-918]

Section 8 Housing; Fair Market Rents for New Construction and Substantial Rehabilitation; Congressional Waiver Request

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of Congressional waiver request.

SUMMARY: Section 7(o)(4) of the Department of Housing and Urban Development Act permits the Secretary to request waiver of the legislation's requirements in appropriate instances. This Notice lists and briefly summarizes for public information a final rule with respect to which the Secretary is presently requesting waiver.

FOR FURTHER INFORMATION CONTACT: Richar F. Lasner, Assistant General Counsel for Regulations, Office of General Counsel, 451 7th Street, S.W., Washington, D.C. 20410 (202) 755-6207.

SUPPLEMENTARY INFORMATION: Concurrently with issuance of this Notice, the Secretary is forwarding to the Chairmen and Ranking Minority Members of both Congressional Banking Committees the final rule listed below. The purpose of the transmittal is to request waiver of the 30-day delayed effective date for the final rule under Section 7(o)(3) of the Department of Housing and Urban Development Act. A summary of the rulemaking document for which waiver has been requested is set forth below:

Final Rule—24 CFR Part 888—Fair Market Rents

This final rule establishes Section 8 Fair Market Rents applicable to New Construction and Substantial Rehabilitation for the States of New Hampshire, Rhode Island and Virginia; as well as Market Areas within the States of Kansas, Louisiana, Michigan, North Carolina and Pennsylvania, in compliance with the requirements of Section 8(c)(1) of the U.S. Housing Act of 1937.

(Sec. 7(d) of the Department of HUD Act, 42 U.S.C. 3535(d); Section 324 of the Housing and Community Development Amendments of 1978)

Issued at Washington, D.C., April 21, 1981.

Samuel R. Pierce, Jr.,

Secretary, Department of Housing and Urban Development.

[FR Doc. 81-12831 Filed 4-28-81; 8:45 am]

BILLING CODE 4210-01-M

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

36 CFR Ch. IX

Semiannual Regulatory Agenda

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Semiannual regulatory agenda and review.

SUMMARY: Pursuant to Executive Order 12291, "Federal Regulations," February 17, 1981, (46 FR 13193, February 19, 1981), the Pennsylvania Avenue Development Corporation (Corporation), is not planning to issue, prior to October 1, 1981, any major rules as defined in Executive Order 12291. In addition, the Corporation has determined that none of its existing rules in Subchapter A (36 CFR Parts 901-907) are "major." The Corporation plans to review the balance of its existing rules, Subchapter B, 36 CFR 920-923, prior to October 1, 1981.

Pursuant to the Regulatory Flexibility Act ("Act," 5 U.S.C. 601, et seq.), the Corporation is not planning to issue, prior to October 1, 1981, any rules which would have a significant economic impact on a substantial number of small entities. In addition, the Corporation has determined that none of its existing rules in Subchapter A (36 CFR Parts 901-907) have had or will have a significant economic impact on a substantial number of small entities. The Corporation plans to review the balance of its existing rules, Subchapter B, 36 CFR 920-923, prior to October 1, 1981.

As an informational aid to the public, the Corporation is enumerating below, those non-major and nonsignificant

rules that it plans to publish prior to October 1, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Clifford A. Brooks, Attorney, Office of the General Counsel, Pennsylvania Avenue Development Corporation, 425 18th St., N.W. Suite 1148, Washington, D.C. 20004; (202) 566-1078.

Dated: April 24, 1981.

T. J. Regan, Jr.,

Acting Executive Director.

Regulatory Agenda for Period Ending Sept. 30, 1981

Title	Current status	Contact
(1) Affirmative Action Policy and Procedures.	Interim rule (36 CFR 906).	Ms. Geri Porter, Affirmative Action/Public Relations Officer, (202) 523-1333.
(2) Policy on Environmental Quality and Control; Procedures for Implementing the National Environmental Policy Act.	Interim rule (36 CFR 907).	Ms. Jo-Ann Neuhaus, Project Manager, (202) 523-3726.
(3) Policy and Procedures to Facilitate Successful Relocation of Businesses and Residents Within the Pennsylvania Avenue Development Area.	Under development.	Mr. Jerry M. Smedley, Chief of Real Estate Operations.

[FR Doc. 81-12895 Filed 4-28-81; 8:45 am]

BILLING CODE 7630-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[A-10-FRL 1793-8]

State of Washington; Primary Nonferrous Smelter Orders; Maintenance of Pay Provision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This Notice solicits public comment on EPA's proposed approval of maintenance of pay provision. On June 24, 1980, EPA published in the Federal Register (45 FR 42514) minimum requirements for primary nonferrous smelter orders (NSO) issued pursuant to Section 119 of the Clean Air Act (herein referred to as the Act). However, before any NSO can be issued, a provision regarding protection of the employee from loss of pay must be included in the Washington State Implementation Plan. EPA advised the State of this requirement and the State submitted on

April 28, 1979 a maintenance of pay provision to satisfy Section 110(a)(6) of the Act.

DATE: Comments will be accepted up to May 29, 1981.

ADDRESSES: The relevant material in support of this revision may be examined during normal business hours at the following locations:

Central Docket Section (10A-80-24),
West Tower Lobby, Gallery I,
Environmental Protection Agency, 401
M Street, SW., Washington, D.C.
20460;

Air Programs Branch, Environmental
Protection Agency, Region 10, 1200
Sixth Avenue, Seattle, Washington
98101;

State of Washington, Department of
Ecology, 4224—Sixth Avenue, SE.,
Rowe Six, Bldg 4, Lacey, Washington,
98503.

Comments should be addressed to:
Laurie M. Kral, Air Programs Branch, M/
S 629, Environmental Protection Agency,
1200 Sixth Avenue, Seattle, Washington
98101, Telephone: (206) 442-1226, FTS:
399-1226.

FOR FURTHER INFORMATION CONTACT:
Richard F. White, Air Programs Branch
M/S 625, Environmental Protection
Agency, 1200 Sixth Avenue, Seattle,
Washington 98101, Telephone: (206) 442-
1226, FTS: 399-1226.

SUPPLEMENTARY INFORMATION:

Background

Under Section 110(a) and 302(k) of the Clean Air Act as amended, (hereafter referred to as the Act), the National Ambient Air Quality Standards (NAAQS) for sulfur dioxide (SO₂) must be attained through use of constant controls which remove oxides of sulfur from gas streams prior to release to the atmosphere. However, Section 119 of the Act allows certain nonferrous smelters that are at present unable to meet required levels of constant SO₂ control to utilize dispersion-dependent techniques, as opposed to constant controls, to attain NAAQS for SO₂ on a temporary basis under terms of a Section 119 nonferrous smelter order (NSO). Such techniques include the use of supplementary control systems (SCS).

Under an SCS, production is curtailed to avoid an NAAQS violation whenever meteorological conditions are not conducive to good dispersion of pollutants. When this occurs production is stopped, shut down or curtailed until favorable meteorological conditions are present. During periods of SCS production shutdown, smelter workers' schedules are often curtailed and worker pay reduced.

In 1977, Congress amended the Act (Pub. L. 95-95) to include Section 110(a)(6), which requires each State Implementation Plan (SIP) to provide that if a source is allowed to use supplemental or intermittent controls the corresponding reduction in production will not result in loss of pay to any employee.

On June 24, 1980, EPA published in the Federal Register (45 FR 42514) the minimum requirements for an initial primary nonferrous smelter order (NSO) issued pursuant to Section 119 of the Act. One of those requirements is the existence of a maintenance of pay provision in the federally approved SIP.

Washington SIP

On May 31, 1972 (37 FR 10842) the Administrator of EPA pursuant to Section 110 of the Act and 40 CFR Part 51, approved with specified exceptions the Washington State Implementation Plan. In response to the 1977 Amendments, each State was to adopt and submit a revised plan to implement and enforce newly enacted provisions of the Act. On April 28, 1979, the State of Washington submitted a revised SIP for EPA's consideration. Included in the revised SIP is WAC 173-400-160 which is the proposed maintenance of pay provision. Comments are being solicited only on this revision.

Call for Comments

We are soliciting public comments for 30 days instead of 60 days for three reasons: (1) there is only a short period of time allowed for issuance of an NSO, (2) the impact of this rulemaking is limited only to the State of Washington, and (3) the public has had adequate notice of guidelines for preparation of State Implementation Plans.

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of regulatory impact analysis. This regulation is not major because it does not have annual effect on the economy of \$100 million or more; cause a major increase in costs or prices of consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or create significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Interested parties are invited to comment on all aspects of this proposed amendment to the Washington SIP. Comments should be submitted, preferably in triplicate, to the address

listed in the front of this Notice. Public comments postmarked by May 29, 1981 will be considered in any final action EPA takes on this proposal.

This regulation was submitted to the Office of Management and Budget (OMB) for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at the locations listed in the "Addresses" section.

Pursuant to the provisions of 5 U.S.C. Section 605(b) the Administrator has certified that SIP approvals under Sections 110 and 172 of the Clean Air Act will not have a significant impact on a substantial number of small entities 46 FR 8709 (January 27, 1981). This action, if promulgated, constitutes a SIP approval under Sections 110 and 172 within the terms of the January 27 certification. This imposes no new requirements. Moreover, due to the nature of the Federal-State relationship, Federal inquiry into the economic reasonableness of the State actions would serve no practical purpose and could well be improper.

(Secs. 110 and 172 of the Clean Air Act (42 U.S.C. 7410(a) and 7502))

Dated: March 18, 1981.

Donald P. Dubois,
Regional Administrator.

[FR Doc. 81-12833 Filed 4-28-81; 8:45 am]

BILLING CODE 6560-38-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Ch. I

[Gen. Dockets 80-398 and 80-603]

Inquiry Relating to Preparations for 1983 Region 2 Administrative Radio Conference on Broadcasting-Satellite Service; Inquiry Into the Development of Regulatory Policy With Regard to Direct Broadcast Satellites

AGENCY: Federal Communications Commission.

ACTION: Notices of inquiry; inclusion of application in Docket files and extension of comment and reply comment period.

SUMMARY: This Order placed two reports filed by the National Association of Broadcasters (NAB) into the records of Gen. Dockets 80-398 (Inquiry Relating to Preparations for 1983 Region 2 Administrative Radio Conference of the

International Telecommunication Union for Planning of Broadcast-Satellite Service in 12 GHz Band and Associated Uplinks) and 80-603 (Inquiry into the Development of Regulatory Policy in regard to Direct Broadcast Satellites (DBS) for the period following the 1983 Regional Administrative Radio Conference). The Order also extends the comment and reply comment period on permanent DBS issues in Gen. Docket 80-603 but denies a request to reopen the comment period with regard to interim Direct Broadcast Satellite issues. This action is being taken in response to petitions filed by the NAB.

DATES: Comments are now due by April 30, 1981 and replies by June 30, 1981.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Bruce Franca, Office of Plans and Policy (202) 653-5940.

SUPPLEMENTARY INFORMATION:

Order

Adopted: March 30, 1981.

Released: March 31, 1981.

By the Chief Scientist and Chief, Office of Plans and Policy.

In the Matter of Inquiry Relating to Preparations for 1983 Region 2 Administrative Radio Conference of the International Telecommunication Union for Planning of Broadcasting-Satellite Service in 12 GHz Band and Associated Uplinks, Gen. Docket No. 80-398, (45 FR 51914) and Inquiry into the Development of Regulatory Policy in Regard to the Period Following the 1983 Regional Administrative Radio Conference, Gen. Docket No. 80-603, (45 FR 72719.)

1. On March 26, 1981, the National Association of Broadcasters (NAB) filed petitions requesting leave to file two studies in the above-captioned proceedings. The two studies are:

(a) "Direct Broadcast Satellites: Service, Economic and Market Factors," prepared by Browne, Bortz & Coddington, Denver, Colorado, (January 1981); and

(b) "Broadcasting, Satellite Study," prepared by Satellite Systems Engineering, Inc., Washington, D.C. (February 13, 1981).

2. In support of their request, the NAB indicates that the Chief Scientist, in denying an earlier NAB petition to defer the comment dates in Gen. Docket 80-398, indicated that the NAB reports would be received, as they became available.¹ NAB requests that both

studies be included in the record of Gen. Docket 80-398 and suggests that further notices in this proceeding provide an appropriate vehicle for soliciting public comment on both studies.

3. With regard to Gen. Docket 80-603, the NAB requests that the Commission take the following further procedural steps:

(a) Issue a public notice announcing the acceptance of the two studies into the record;

(b) Reopen the comment period on "interim" policies to permit public comment on the significance of those studies in that respect, and defer any Commission action on the "interim" phase of this proceeding until such comments have been received and considered; and

(c) Reschedule the dates for comments and replies on "permanent" policies, to permit parties an opportunity to take the studies submitted into account.

The NAB states that the studies are equally relevant to "interim" and "permanent" DBS issues.

4. The NAB notes that the Chief, Office of Plans and Policy denied earlier requests by a number of parties for extensions of time in which to file comments but reopened the comment period on "interim" DBS issues and extended the dates for submission on "permanent" DBS policies subsequent to Comsat's December 17th application filing. The NAB indicates that it asks only that its studies be afforded equal treatment.

5. In response to NAB's petition, the following action will be taken:

(a) We will place the two studies received from the NAB into the record of Gen. Docket 80-398. However, these reports will be considered in Gen. Docket 80-398 in the context of submissions to the *Second Notice of Inquiry* in the proceeding when such a *Notice* is issued.

(b) We will place the two studies into the record of Gen. Docket 80-603 dealing with permanent DBS policy issues.

(c) We will extend the comment and reply dates on permanent DBS regulatory policies from March 31, 1981 and May 29, 1981 to April 30, 1981 and June 30, 1981, respectively.

(d) We are, however, denying NAB's request that the comment and reply comment period on interim DBS issues be reopened. We are unconvinced by the NAB's argument that its studies be afforded equal treatment to Satellite Television Corporation's (STC) December 17th application for a satellite-to-home television service. We

necessary vehicle for the input of the NAB report into this process."

note that the action placing STC's application into the docket file and reopening the comment period was taken by the Commission on its own motion and not at the applicant's request. Furthermore, we believe that sufficient time has been granted for comment with regard to interim DBS issues.

Accordingly, the petitions filed by the National Association of Broadcasters for leave to file policy and engineering studies in Gen. Docket 80-398 and for leave to file and for modification of procedural schedule in Gen. Docket 80-603 are granted to the extent indicated herein and otherwise denied.

6. This action is taken pursuant to authority delegated to the Chief Scientist and the Chief, Office of Plans and Policy, in §§ 0.241 and 0.271 of the Commission's Rules.

Stephen J. Lukasik,

Chief Scientist,

Kalman Schaefer,

Acting Chief, Office of Plans and Policy.

[FR Doc. 81-13054 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 657

Atlantic Butterfish Fishery

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; notice of initial approval and availability of plan amendment.

SUMMARY: The Assistant Administrator for Fisheries (Assistant Administrator), NOAA, has initially approved Amendment No. 2 to the Fishery Management Plan for the Butterfish Fishery of the Northwest Atlantic Ocean (FMP). The amendment extends the FMP for one year (April 1, 1981, through March 31, 1982). Because the regulations do not contain an expiration date, all regulations governing foreign and domestic fishing for Atlantic butterfish continue in effect. The intended effect is to continue the optimum yield at the same level as the 1980-1981 fishery.

DATE: Written comments must be received on or before June 15, 1981.

ADDRESSES: Comments should be sent to: Mr. Allen E. Peterson, Jr., Regional Director, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930:

¹ Order, released October 15, 1980 (FCC Mimeo No. 00319). In that Order, the Chief Scientist stated that "future Notices of Inquiry will provide the

or Frank Grice, Fisheries Management Division, Northeast Region, National Marine Fisheries Service, State Fish Pier, Gloucester, Massachusetts 01930. Mark "Comments on Butterfish Amendment No. 2" on the outside of the envelope. Copies of the FMP and current regulations are available by writing to either of the above individuals.

FOR FURTHER INFORMATION CONTACT:

Mr. Allen E. Peterson, Jr., Regional Director, or Frank Grice, Fishery Management Division; telephone for both individuals is (617) 281-3600.

SUPPLEMENTARY INFORMATION: The FMP for butterfish (*Peprilus triacanthus*) was approved on November 9, 1979, under the authority of the Magnuson Fishery Conservation and Management Act, and published in the *Federal Register* on February 6, 1980 (45 FR 8030). The FMP established: (1) the 1979-80 annual optimum yield (OY) at 11,000 metric tons (mt); (2) the domestic allowable harvest (DAH) equal to the domestic allowable processing (DAP) at 7,000 mt; and (3) the total allowable level of foreign fishing (TALFF) at 4,000 mt. The maximum sustainable yield (MSY) for butterfish was set at 18,000 mt. On March 5, 1980, the Assistant Administrator approved Amendment No. 1 which extended the FMP from April 1, 1980, through March 31, 1981. Final regulations to implement the FMP were published on October 28, 1980 (45 FR 71357).

The Mid-Atlantic Fishery Management Council is considering consolidating the individual management plans for squid, mackerel, and butterfish into a single, multi-species plan. The Council and the National Marine Fisheries Service (NMFS) determined that the consolidated plan could not be reviewed and approved by April 1, 1981, the start of the new fishing year, and that the current FMP for butterfish should be continued in effect. The Assistant Administrator has given initial approval to Amendment No. 2, which will extend the FMP through March 31, 1982, and will retain all management measures adopted in the FMP. All foreign and domestic fishing regulations on Atlantic butterfish are proposed to continue in effect without change.

Data from a stock assessment done in July 1980 by the Northeast Fisheries Center, NMFS, indicated that abundance of butterfish has increased and a good 1979 year class is expected to enter the butterfish fishery. However, the data also revealed a decline in large (age 2+) fish.

The Council maintains that an OY of 11,000 mt will encourage butterfish exports. The OY is below the estimated

MSY of 18,000 mt. The Council believes that a higher OY and TALFF would hinder U.S. export opportunities. Foreign fleets would presumably catch Atlantic butterfish rather than purchase it from U.S. processors. The primary importers of U.S. butterfish are the Japanese. From 1970 to 1976, the Japanese butterfish catch off the Northeast United States coast averaged 6,700 mt per year. After management measures were implemented, the Japanese catch of butterfish declined to an average of 470 mt per year (1977 to 1980). The U.S. butterfish catch over the last four years has been increasing. Approximately 5,350 mt were landed in 1980; of this, approximately 85 percent was exported.

National Environmental Policy Act of 1969. Since Amendment No. 2 merely extends the existing management regime, no impacts are anticipated at variance with those considered in Environmental Impact Statement and Supplementary Environmental Impact Statement documents prepared for the adoption of the FMP and Amendment No. 1.

Executive Order 12291. The Acting Administrator has determined that this extension of the FMP is not a major rule requiring the preparation of a Regulatory Impact Statement under E.O. 12291.

Regulatory Flexibility Act of 1980.

The Acting Administrator also determined that this amendment will not have a significant economic impact on a substantial number of small entities and, therefore, does not require a regulatory flexibility analysis.

Paperwork Reduction Act of 1980. The amendment does not increase the Federal paperwork burden for individuals or small businesses.

(16 U.S.C. 1801 *et seq.*)

Signed at Washington, D.C., this 22d day of April, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-12941 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-22-M

50 CFR Part 652

Mid-Atlantic Fishery Management Council; Public Hearings

AGENCY: National Oceanic and Atmospheric Administration/DOC.

ACTION: Notice of public hearings.

SUMMARY: The Mid-Atlantic Fishery Management Council will hold public hearings for the purpose of public input on Amendment No. 3 to the Fishery

Management Plan for the Surf Clam and Ocean Quahog Fisheries (FMP).

DATES: Written comments on the amendment to the FMP from members of the public may be submitted no later than June 8, 1981. Individuals or organizations wishing to comment on the amendment may do so at public hearings to be held at the locations listed below:

May 18, 1981—

Cape Charles, Virginia

May 19, 1981—

Salisbury, Maryland

May 20, 1981—

Wakefield, Rhode Island

May 21, 1981—

Wildwood Crest, New Jersey

ADDRESS: Send comments to: Chairman, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901. Public hearing locations:

May 18, 1981—

America House Motor Inn, Route 13 (Adjacent to North toll booth of Chesapeake Bay Bridge-Tunnel), Cape Charles, Virginia

May 19, 1981—

Sheraton Inn, 300 S. Salisbury Boulevard (Route 13 South) Salisbury, Maryland

May 20, 1981—

Government Center, Tower Hill Road, Wakefield, Rhode Island

May 21, 1981—

Holiday Inn, 9601 Atlantic Avenue, Wildwood Crest, New Jersey

All of the public hearings mentioned above will convene promptly at 7:00 P.M. Hearings will be tape recorded and the tapes will be filed as an official formal transcript of the proceedings. Summary minutes will be prepared on each hearing.

FOR FURTHER INFORMATION CONTACT:

Mr. John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware 19901. Telephone: 302-674-2331.

SUPPLEMENTARY INFORMATION: The FMP was approved by the Assistant Administrator for Fisheries, NOAA, on November 17, 1977, for the period through September 1979. Amendment No. 1 extended the FMP through December 31, 1979, and revised reporting requirements to bring them in compliance with the amended Magnuson Fishery Conservation and Management Act. Amendment No. 2 extended the FMP through the end of calendar year 1981.

The purpose of Amendment No. 3 is to extend the FMP beyond the end of calendar year 1981 and to make revisions to the management regime. The management unit of this FMP is all surf clams and ocean quahogs in the Atlantic fishery conservation zone. The recommended alternative includes annual and quarterly quotas for surf clams and an annual quota for ocean quahogs. The New England surf clam management area would be continued. In the Mid-Atlantic, the surf clam quarterly quotas would be equal for each quarter. The bad-weather make-up day would be in effect during November, December, January, February, March, and April. The fishing week would begin at 6:00 P.M. on Sunday and end at 6:00 P.M. on Thursday. Effort restrictions would be

set by the Regional Director so as to insure fishing throughout a quarter with the minimum chance of closure while also minimizing the effort changes during the quarter. Areas closed for containing concentrations of small surf clams, when reopened, would have allowable catches estimated separately from the overall quota and appropriate effort restrictions would be imposed in such areas to insure that the harvest of the allowable catch would extend throughout a predetermined time period. Fishermen would be required to advise the National Marine Fisheries service if they wanted to fish in a reopened area.

Estimates of optimum yield, domestic annual harvest, and domestic annual processing, and quotas would be set annually through a consultative process involving the Mid-Atlantic Fishery

Management Council, its Scientific and Statistical Committee, and Surf Clam and Ocean Quahog Advisory Subpanel. For surf clams, the values would be between 1.8 and 2.9 million bushels (approximately 30-50 million pounds of meats) for the Mid-Atlantic and 25,000 bushels (approximately 425,000 pounds of meats) for New England. For ocean quahogs, the values would be between 4.0 and 6.0 million bushels (40-60 million pounds of meats). A permit limitation system would replace the moratorium on entry of vessels in the Mid-Atlantic surf clam fishery.

Dated: April 23, 1981.

Robert K. Crowell,

Deputy Executive Director, National Marine Fisheries Service.

[FR Doc. 81-12642 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 46, No. 82

Wednesday, April 29, 1981

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Public Information Meeting

Notice is hereby given pursuant to § 800.6(b)(3) of the Council's regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800), that on May 18, 1981, at 7:30 p.m., a public information meeting will be held at the Round Up Inn, Will Rogers Memorial Center, 3400 Crestline Road, Fort Worth, Texas.

The meeting is being called by the Executive Director of the Council in accordance with § 800.6(b)(3) of the Council's regulations. The purpose of the meeting is to provide an opportunity for representatives of public and private organizations, and interested citizens to receive information and express their views concerning the proposed upgrading of the West Leg of I-35W/I-30 Interchange (I-30 from Summit Avenue to I-35W) Fort Worth, Texas, an undertaking of the assisted by the Federal Highway Administration that will adversely affect Fort Worth Main Post Office, Texas and Pacific Terminal Complex and the Fort Worth Market Complex, a property included in the National Register of Historic Places. Consideration will be given to the undertaking, its effects on National Register or eligible properties, and alternate courses of action that could avoid, mitigate, or minimize any adverse effects on such properties.

The following is a summary of the agenda of the meeting:

I. An explanation of the procedures and purpose of the meeting by a representative of the Executive Director of the Council.

II. A description of the undertaking and an evaluation of its effects on the property by the Texas State Department of Highway and Public Transportation.

III. A statement by the Texas State Historic Preservation Officer.

IV. Statements from local officials, private organizations, and the public on the effects of the undertaking on the property.

V. A general question period.

Speakers should limit their statements to 5 minutes. Written statements in furtherance of oral remarks will be accepted by the Council at the time of the meeting. Additional information regarding the meeting is available from the Executive Director, Advisory Council on Historic Preservation, Lake Plaza South, Suite 616, 44 Union Boulevard, Lakewood, Colorado 80228; 303-234-4946; Attn: Robert Fink.

Dated: April 23, 1981.

Robert R. Garvey, Jr.,
Executive Director.

[FR Doc. 81-12747 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-10-M

DEPARTMENT OF AGRICULTURE

Forest Service

Land and Resource Management Plan, Uwharrie and Croatan National Forests; Davidson, Montgomery, Randolph, Carteret, Craven, and Jones Counties, N.C.; Intent To Prepare an Environmental Impact Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969 (Pub. L. 91-190), the Forest Service, Department of Agriculture, will prepare an environmental impact statement on the Land and Resource Management Plan for the Uwharrie and Croatan National Forests in North Carolina.

The Uwharrie National Forest consists of 46,390 net acres located in the Piedmont section of North Carolina. The Croatan National Forest includes approximately 157,000 acres in the Coastal Plains of North Carolina.

The Land and Resource Management Plan is being prepared in accordance with requirements of the Secretary of Agriculture's regulations promulgated pursuant to the National Forest Management Act of 1976. The resulting plan will provide for multiple-use and sustained yield of goods and services from the Uwharrie and Croatan National Forests.

The planning process will integrate all resource planning—timber, lands, fish and wildlife, soil and water, wilderness and recreation—together with resource protection and resource use activities.

The process will be issue-oriented; i.e., public issues, management concerns, and development opportunities will be analyzed continually throughout the process.

A reasonable range of alternatives will be formulated by an interdisciplinary team to provide different ways to address and respond to the major public issues, management concerns, and resource opportunities identified during this planning process.

Alternatives will reflect a range of resource output and expenditure levels. In formulating these alternatives, the following criteria will be used.

(1) Each alternative will be capable of being achieved.

(2) A no-action alternative will be formulated; that is, the most likely condition expected to exist in the future if current management direction would continue unchanged.

(3) Each alternative will provide for orderly elimination of backlogs of needed treatment for the restoration of renewable resources as necessary to achieve the multiple-use objectives of that alternative.

(4) Each identified major public issue and management concern will be addressed in one or more alternatives.

(5) Each alternative will represent to the extent practicable the most cost efficient combination of management practices examined that can meet the objectives established in the alternative. Each alternative will state at least:

(a) The condition and uses that will result from long-term application.

(b) The goods and services to be produced, and the timing and flow of these outputs.

(c) Resource management standards and guidelines; and

(d) The purposes of the management direction proposed.

As an early step in the planning process, Federal, State, and local agencies, organizations, and individuals who may be interested in, or be affected by the decision will be invited to participate in a scoping process which includes: (a) identification of those issues to be addressed; (b) identification of those issues to be analyzed in depth; and (c) elimination from detailed study those issues which are not judged significant or which have been covered by prior environmental review.

To accomplish this scoping effort, Uwharrie and Croatan National Forests

will send letters to interested publics inviting them to assist and provide input into the analysis of the issues. Key individuals and groups may be contacted directly for their input.

Initial collection of public issues and concerns is expected to be completed by July 1, 1981.

The draft Environmental Impact Statement is scheduled for completion by March 1983, with a 3-month review period, and the final Environmental Impact Statement is scheduled for filing in September 1983.

Lawrence M. Whitfield, Regional Forester, Southern Region of the Forest Service, is the responsible official for the Environmental Impact Statement and Plan.

Written comments and suggestions for the Uwharrie and Croatan Land and Resource Management Plan should be sent to George A. Olson, Forest Supervisor, National Forests in North Carolina, P.O. Box 2750, Asheville, North Carolina. All comments received will become part of the public record and be available for inspection at the Supervisor's Office in Asheville, North Carolina.

If you need more information about the planning process before you submit your issues and concerns, you can get placed on the Uwharrie-Croatan Land Management Plan mailing list by contacting Robert Phillips, Forest Planning Staff Officer, National Forests in North Carolina, P.O. Box 2750, Asheville, NC 28802; phone 704/258-2850, extension 367 (FTS 672-0367).

Dated: April 22, 1981.

Clark Sell,

Acting, Regional Forester.

[FR Doc. 81-12758 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-11-M

Northeastern Area, State and Private Forestry; Cooperation Gypsy Moth Suppression Projects—1981; Finding of No Significant Impact; Correction

AGENCY: USDA Forest Service.

ACTION: Correction.

This corrects the Decision Notice and Finding of No Significant Impact that was published in the Federal Register of April 13, 1981 (46 FR 21635) FR Doc. 81-1469. The notice was signed by the Area Director, Northeastern Area, State and Private Forestry, USDA Forest Service on April 8, 1981. The notice stated that implementation of the selected alternative by the USDA Forest Service would take place no sooner than 30 days from the date of the decision.

This statement has been corrected to read: Implementation of the selected alternative by the USDA Forest Service will take place on May 1, 1981.

Because of unseasonably warm temperatures and early wide-spread gypsy moth egg hatch, it is necessary to implement the selected alternative on May 1, 1981 to insure adequate insect control and maximum foliage protection. Implementation on the original date of May 8, 1981 would result in reduced insect control, increased defoliation, tree mortality and aesthetic value loss. The reduced effectiveness of the treatments would also significantly decrease the economic efficiency of the selected alternative.

Questions about the Decision Notice and Finding of No Significant Impact should be directed to Peter W. Orr, Staff Director, Northeastern Area State and Private Forestry, 370 Reed Road, Broomall, Pa. 19008.

SUPPLEMENTARY INFORMATION: The Decision Notice and Finding of No Significant Impact related to the selected alternative identified in the site-specific Environmental Assessment for 1981 Cooperative Gypsy Moth Suppression Projects in the States of Maine, Rhode Island, New York, Pennsylvania and New Jersey.

Dated: April 23, 1981.

Allen J. Schacht,

Director, Northeastern Area State and Private Forestry.

[FR Doc. 81-12853 Filed 4-28-81; 8:45 am]

BILLING CODE 3410-11-M

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

Special Meeting

AGENCY: Architectural and Transportation Barriers Compliance Board.

ACTION: Notice of Special Meeting.

SUMMARY: The Architectural and Transportation Barriers Compliance Board (ATBCB) will hold a special meeting at 1:00 p.m., on May 5, 1981, to consider numerous items, including development of an ATBCB phase out plan as required by the Office of Management and Budget, adoption of procurement procedures, expansion of the ATBCB transportation policy, and a petition for amendment of ATBCB minimum guidelines and requirements. The ATBCB procurement policy would be in the form of publication in the Federal Register of designations of the

various ATBCB officials' responsibilities under the Federal Property and Administrative Services Act, 40 U.S.C. 471 et seq., 41 U.S.C. 251-260, and statements of the nature of ATBCB involvement in various procurements, including sole source procurement. ATBCB transit policy seeks mobility for disabled persons comparable to that available to the general public. The expanded ATBCB Transportation Policy would be in the form of publication in the Federal Register of a notice enumerating the requisite characteristics of transit systems providing service to disabled persons. The petition of the Committee of Independent Telephone Manufacturers seeks revision of ATBCB minimum guidelines and requirements relating to the height of telephones, as well as the requirements relating to telephone enclosures. Discussion of proposed publication of a notice of proposed rescission of the ATBCB minimum guidelines and requirements is also planned. Suspension of work or proposed cancellation of a contract with the National Conference of States on Building Codes and Standards, Inc. (NCSBCS) relating to the ATBCB minimum guidelines and requirements is also on the agenda for action by the ATBCB.

DATE: May 5, 1981, 1:00 p.m.-4:30 p.m.

ADDRESS: 330 Independence Avenue, SW., Room 5051, Washington, D.C. 20201.

FOR FURTHER INFORMATION CONTACT: Larry Allison, Director of Public Information, (202) 245-1591 (voice or TDD).

SUPPLEMENTARY INFORMATION: The next regularly scheduled meeting of the ATBCB is May 12, 1981; however, to allow members to participate in and attend the annual meeting of the President's Committee on Employment of the Handicapped, the ATBCB is advancing its meeting. The ATBCB may be terminated as of October 1, 1981, as President Reagan has asked Congress not to appropriate funds for the ATBCB in fiscal year 1982. The ATBCB procurement policy is being developed to provide a clearer understanding of roles of the members and staff in ATBCB procurements. The elaboration of the ATBCB Transportation Policy follows from adoption of the original policy in May 1980. The petition seeking amendment of the ATBCB minimum guidelines and requirements provides the ATBCB its first formal opportunity

to reconsider its rule adopted January 6, 1981. 46 FR 4270.

ATBCB committee meetings are scheduled for Monday, May 4, 1981. For specific times, locations, and agendas of these meetings, contact Larry Allison, Director of Public Information (202) 245-1591 (voice or TDD).

Mason H. Rose, V.

Chairperson.

[FR Doc. 81-13000 Filed 4-28-81; 8:45 am]

BILLING CODE 4000-07-M

COMMISSION ON CIVIL RIGHTS

Michigan Advisory Committee; Meeting Cancellation

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Michigan Advisory Committee of the Commission originally scheduled for April 30, 1981, at East Lansing, Michigan, (FR Doc. 81-11272, on page 21797 April 14, 1981) has been cancelled.

Dated at Washington, D.C., April 24, 1981

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-12850 Filed 4-28-81; 8:45 am]

BILLING CODE 6335-01-M

Wisconsin Advisory Committee; Meeting Amendment

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights that a meeting of the Wisconsin Advisory Committee of the Commission originally scheduled for May 14-16, 1981, at Milwaukee and Racine, Wisconsin, (FR Doc. 81-11828, on page 22630, April 20, 1981) has been amended.

The briefing session will now be held on May 15, 1981, beginning at 10:00 am and will end at 12 Noon, at the United Community Center, 1028 South Ninth Street, Milwaukee, Wisconsin, 53204. The meeting will convene at 1:00 pm and will end at 9:00 pm, on May 15, 1981. It will be held at the same location as the briefing session. The meeting on May 16, 1981, will convene at 1:00 pm, and will end at 9:00 pm, at the John Bryant Center, 601 21st Street, Racine, Wisconsin 53403.

Dated at Washington, D.C., April 24, 1981.

John I. Binkley,

Advisory Committee Management Officer.

[FR Doc. 81-12857 Filed 4-28-81; 8:45 am]

BILLING CODE 6335-01-M

DEPARTMENT OF COMMERCE

International Trade Administration

Impression Fabric of Manmade Fiber From Japan; Preliminary Results of Administrative Review of Antidumping Finding

AGENCY: U.S. Department of Commerce.

ACTION: Notice of Preliminary Results of Administrative Review of Antidumping Finding.

SUMMARY: The Department of Commerce has conducted an administrative review of the antidumping finding on impression fabric of manmade fiber from Japan. The review covers the two known exporters and the period November 14, 1978 through April 30, 1980. This review indicates the existence of dumping margins for one of the companies based upon the best information available. The second company made no shipments of the covered merchandise to the United States during the period of review.

As a result of this review, the Department has preliminarily determined to assess dumping duties for the one exporter equal to the difference between United States price and foreign market value on its shipments occurring during the period. Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: April 29, 1981.

FOR FURTHER INFORMATION CONTACT:

Robert J. Marenick, Office of Compliance, International Trade Administration, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-2496).

SUPPLEMENTARY INFORMATION:

Procedural Background

On May 25, 1978, a dumping finding with respect to impression fabric of manmade fiber from Japan was published in the Federal Register as Treasury Decision 78-143 (43 FR 22344-45). On January 1, 1980 the provisions of title I of the Trade Agreements Act of 1979 became effective. Title I replaced the provisions of the Antidumping Act of 1921 ("the 1921 Act") with a new title VII to the Tariff Act of 1930 ("the Tariff Act"). On January 2, 1980, the authority for administering the antidumping duty law was transferred from the Department of Treasury to the Department of Commerce ("the Department"). The Department published in the Federal Register of March 28, 1980 (45 FR 20511-12) a notice of intent to conduct administrative reviews of all outstanding dumping findings. As required by section 751 of

the Tariff Act, the Department has conducted an administrative review of the finding on impression fabric of manmade fiber from Japan. The substantive provisions of the 1921 Act and the appropriate Customs Service Regulations apply to all unliquidated entries made prior to January 1, 1980.

Scope of the Review

Imports covered by this review are shipments of impression fabric of manmade fiber, currently classifiable under items 338.3001, 338.3002 and 347.6020 of the Tariff Schedules of the United States Annotated (TSUSA). The Department requested information from the two known exporters, Nichibo Co., Ltd. and Nissei Co., Ltd., for the period November 14, 1978 through April 30, 1980. Nichibo reported that for this period of review, it made no shipments of the covered merchandise to the United States. In a prior response to the Department of the Treasury, it stated that all of its existing contracts and sales to U.S. customers are for fabric of 100 percent pure silk. The estimated deposit rate for Nichibo shall be the best available information, that is the rate used for Nissei Co., Ltd.

Nissei Co., Ltd. provided an inadequate response to our questionnaire; therefore, our review is based upon the best information available, that is, margins based upon the most recent appraisement instructions ("master lists").

Preliminary Results of the Review

As a result of our review, we preliminarily determine that a margin of 10.12 percent of the entered value exists for both companies. Interested parties may submit written comments on these results within 30 days of the date of publication of this notice and may request disclosure and/or a hearing within 15 days of publication. A request for an administrative protective order must be made within five days of the date of publication. The Department will publish the final results of the administrative review including the results of its analysis of any such comments or hearing.

The Department shall determine, and the U.S. Customs Service shall assess, dumping duties on all entries made by Nissei Co., Ltd. within the period of this review. The Department will issue separate appraisement instructions directly to the Customs Service.

As required by § 353.48(b) of the Commerce Regulations, a cash deposit based upon the margin calculated above, that is, 10.12 percent of the entered value, shall be required on all

shipments of manmade impression fabric from Japan entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results. This requirement shall remain in effect until publication of the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.53 of the Commerce Regulations (19 CFR 353.53).

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

April 23, 1981.

[FR Doc. 81-12679 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-25-M

Unrefined Montan Wax From the German Democratic Republic; Antidumping—Amended Preliminary Determination of Sales at Less Than Fair Value

AGENCY: U.S. Department of Commerce.

ACTION: Amended preliminary determination of sales at less than fair value.

SUMMARY: On March 12, 1981, we determined that there is a reasonable basis to believe that unrefined montan wax from the German Democratic Republic (GDR) is being, or is likely to be, sold in the United States at less than fair value. We directed the U.S. Customs Service to suspend the liquidation of entries of this merchandise. We stated that a cash deposit, bond, or other security in an amount equal to the estimated dumping margin of 29.5 percent will be required at the time of each entry, or withdrawal from warehouse for consumption in the United States. We are amending our preliminary determination of sales at less than fair value by directing the U.S. Customs Service to require a cash deposit, bond, or other security in an amount equal to an estimated dumping margin of 51.4 percent at the time of each entry, or withdrawal from warehouse, for consumption in the United States. On April 21, 1981, we announced in the Federal Register (46 FR 22778-9) an extension of the period for a final determination. We will make a final determination by July 17, 1981.

EFFECTIVE DATE: April 29, 1981.

FOR FURTHER INFORMATION CONTACT: Francis R. Crowe or Charles E. Wilson, Office of Investigations, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230 (202-377-3003 or 202-377-5288).

SUPPLEMENTARY INFORMATION: Our notice of March 12, 1981, stated that, for purposes of the preliminary determination, we established foreign market value on the basis of the constructed value of montan wax as produced in the U.S., adjusted for certain known difference in costs of production in the GDR. We identified these adjustments as costs of lignite, direct labor, thermal energy and solvents.

Our calculation of the thermal energy component of the constructed value of montan wax, has been revised. The formula used in the conversion of kilocalorie to BTU's understated thermal energy costs. That error has been corrected. This results in a higher constructed value of montan wax. We found that the margins ranged from 44.2 percent to 62.9 percent and the weighted-average margin was 51.4 percent.

Accordingly, we are amending our preliminary determination of sales at less than fair value by directing the U.S. Customs Service, upon this notice's publication, to require a cash deposit, bond, or other security in an amount equal to an estimated dumping margin of 51.4 percent at the time of each entry, or withdrawal from warehouse, for consumption in the United States.

This determination is published in accordance with § 353.39, Commerce Regulations (19 CFR 353.39).

April 23, 1981.

John D. Greenwald,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 81-12630 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-25-M

Numerically Controlled Machine Tool Technical Advisory Committee; Partially Closed Meeting

AGENCY: International Trade Administration, Commerce.

SUMMARY: The Numerically Controlled Machine Tool Technical Advisory Committee was initially established on January 3, 1973, and rechartered on August 29, 1980 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical specifications and policy issues relating to those specifications which are of concern to the Department, (B) worldwide availability of products and systems, including quantity and quality, and actual utilization of production technology, (C) licensing procedures which affect the level of export controls

applicable to numerically controlled machine tool or technology, and (D) exports of the aforementioned commodities subject to unilateral and multilateral controls which the United States establishes or in which it participates including proposed revisions of any such controls.

TIME AND PLACE: May 20, 1981, at 10:00 a.m. The meeting will take place at the Main Commerce Building, Room 3708, 14th Street and Constitution Ave., NW., Washington, D.C.

AGENDA:

General Session

- (1) Opening remarks by the Chairman.
- (2) Presentation of papers or comments by the public.
- (3) Discussion of procedural or organizational matters relating to the Technical Advisory Committee.
- (4) Review results of evaluation of the National Machine Tool Builders' Association (NMTBA) reports on the International Machine Tool Show—1980.
- (5) Discuss observations by any attendees at recent Westec Machine Tool Show.
- (6) Review status of proposed letter to Robot Institute of America.
- (7) New Business.

Executive Session

- (8) Discussion of matters properly classified under Executive Order 12065, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on September 16, 1980, pursuant to Section 10(d) of the Federal Advisory Committee Act, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12065. A copy of the Notice of Determination to close meetings or portions thereof is available

for public inspection and copying in the Central Reference and Records Inspection Facility, Room 5317, U.S. Department of Commerce, Telephone: 202-377-4217.

FOR FURTHER INFORMATION OR COPIES OF THE MINUTES CONTACT: Mrs. Margaret A. Cornejo, Office of the Director of Licensing, Office of Export Administration, Room 1809, U.S. Department of Commerce, Washington, D.C. 20230, telephone: 202-377-2583.

Dated: April 24, 1981.

Saul Padwo,
Director of Licensing, Office of Export Administration.

[FR Doc. 81-12911 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-25-M

National Technical Information Service

U.S. Government-Owned Inventions; Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for domestic and, possibly, foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of patents cited are available from the Commissioner of Patents & Trademarks, Washington, DC 20231, for \$.50 each. Requests for copies of patents must include the patent number.

Copies of patent applications cited are available from the National Technical Information Service (NTIS), Springfield, Virginia 22161 for \$5.00 each (\$10.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to avoid premature disclosure. Claims and other technical data will usually be made available to serious prospective licensees upon execution of a non-disclosure agreement.

Requests for information on the licensing of particular inventions should be directed to the addresses cited for the agency-sponsors.

Douglas J. Campion,

Program Coordinator, Office of Government Inventions and Patents, National Technical Information Service, Department of Commerce.

Chief, Intellectual Property Division, OTJAG, Department of the Army, Room 2D 444, Pentagon, Washington, DC 20310

Patent application 6,149,205: Erosion Lithography to Abrade a Pattern Onto a Substrate; filed May 12, 1980.

Patent 4,174,162: Aerial Camera Mounting Means; filed July 7, 1978; patented Nov. 13, 1979; not available NTIS.

Patent 4,192,349: Air Conditioning Valve; filed Aug. 7, 1978; patented Mar. 11, 1980; not available NTIS.

Patent 4,195,525: Sampling Valve; filed Mar. 23, 1979; patented Apr. 1, 1980; not available NTIS.

Patent 4,197,360: Multilayer Laminate of Improved Resistance to Fatigue Cracking; filed May 1, 1978; patented Apr. 8, 1980; not available NTIS.

Patent 4,197,547: High Frequency Aircraft Wire Antenna; filed June 28, 1978; patented Apr. 8, 1980; not available NTIS.

Patent 4,198,017: Control Augmentation System for Flight Vehicles; filed Oct. 13, 1978; patented Apr. 15, 1980; not available NTIS.

Patent 4,198,767: Recording System for Laser Weapon Simulator; filed July 3, 1978; patented Apr. 22, 1980; not available NTIS.

Patent 4,199,760: Method for Measuring Range to a Rocket in Flight Employing a Passive Ground Tracker Station; filed Sept. 15, 1978; patented Apr. 22, 1980; not available NTIS.

Patent 4,199,762: Pedestal and Gimbal Assembly; filed May 18, 1977; patented Apr. 22, 1980; not available NTIS.

Patent 4,200,028: Multi-Purpose Gun Safety; filed Aug. 18, 1978; patented Apr. 29, 1980; not available NTIS.

Patent 4,201,612: Bonding Plastic Layers; filed May 15, 1978; patented May 6, 1980; not available NTIS.

Patent 4,207,434: Integral Electric Generator, Multiplexer, Data Acquisition System; filed Apr. 17, 1978; patented June 10, 1980; not available NTIS.

U.S. Department of the Air Force, AF/JACP, 1900 Half Street, S.W., Washington, DC 20324

Patent application 6,200,226: Scan Corrected Vidicon Camera Apparatus; filed Oct. 23, 1980.

Patent application 6,200,283: Data Bus System Utilizing FM Communication Techniques; filed Oct. 24, 1980.

Patent application 6,201,583: Frequency Shift Keying Data Bus Communication System; filed Oct. 29, 1980.

Patent application 6,201,854: Modified Pulse Width Modulation Data Bus Communication System; filed Oct. 29, 1980.

Patent 4,231,248: Laser Tensile Test Sample Holder; filed June 15, 1979; patented Nov. 4, 1980; not available NTIS.

Patent 4,231,293: Submissile Disposal System; filed Oct. 26, 1978; patented Nov. 4, 1977; not available NTIS.

Patent 4,231,533: Static Self-Contained Laser Seeker System for Active Missile Guidance; filed July 9, 1975; patented Nov. 4, 1980; not available NTIS.

Patent 4,231,534: Active Optical Tracking System; filed Nov. 4, 1977; patented Nov. 4, 1980; not available NTIS.

Patent 4,232,221: Method and Apparatus for Trimming IR/CCD Mosaic Sensors; filed Jan. 22, 1979; patented Nov. 4, 1980; not available NTIS.

Patent 4,232,278: High Power Microwave Integrated Circuit Receiver Protector with Integral Sensitivity Time control; filed July 6, 1979; patented Nov. 4, 1980; not available NTIS.

Patent 4,232,448: Gage for Measuring Decrease in Dimension of Test Specimen in Tensile Test; filed Mar. 30, 1979; patented Nov. 11, 1980; not available NTIS.

Patent 4,232,996: Light Weight Fan Assembly; filed Oct. 6, 1978; patented Nov. 11, 1980; not available NTIS.

Patent 4,233,103: High Temperature-Resistant Conductive Adhesive and Method Employing Same; filed Dec. 20, 1978; patented Nov. 11, 1980; not available NTIS.

Patent 4,233,426: Channel Sealant Compositions; filed Apr. 4, 1979; patented Nov. 11, 1980; not available NTIS.

Patent 4,234,144: Base Vent Assembly for Entry Space Vehicles; filed Oct. 24, 1978; patented Nov. 18, 1980; not available NTIS.

U.S. Department of the Navy, Director, Navy Patent Program/Patent Counsel for the Navy, Office of Naval Research, Code 302, Arlington, VA 22217

Patent application 6,144,811: Automatic Exposure Control for Pulsed Active TV Systems; filed May 7, 1980.

Patent 4,189,701: Hydroacoustic Detection System; filed Mar. 9, 1971; patented Feb. 19, 1980; not available NTIS.

Patent 4,223,428: Method and Apparatus for Securing a Ferroelectric Stack to a weighted Projection Surface; filed July 2, 1973; patented Sept. 23, 1980; not available NTIS.

Patent 4,228,649: Method for Epitaxial Growth of GaAs Films and Devices Configuration Independent of GaAs Substrate Utilizing Molecular Beam Epitaxy and Substrate Removal Techniques; filed Sept. 11, 1979; patented Oct. 7, 1980; not available NTIS.

Patent 4,228,801: Terminated Bis (3,4-Dicyanophenoxy) Alkanes; filed June 25, 1979; patented Oct. 7, 1980; not available NTIS.

Patent 4,227,170: Current-Reducing Device; filed June 22, 1977; patented Oct. 7, 1980; not available NTIS.

Patent 4,228,437: Wideband Polarization-Transforming Electromagnetic Mirror; filed June 26, 1979; patented Oct. 14, 1980; not available NTIS.

Patent 4,229,812: Apparatus for Securing a Ferroelectric Stack to a Weighted Projection Surface; filed Nov. 24, 1971; patented Oct. 21, 1980; not available NTIS.

Patent 4,231,103: Fast Fourier Transform Spectral Analysis System Employing Adaptive Window; filed Feb. 12, 1979; patented Oct. 28, 1980; not available NTIS.

Patent 4,231,891: Solid Compositions for Generation of Gases Containing a High Percentage of Hydrogen or Its Isotopes; filed June 16, 1978; patented Nov. 4, 1980; not available NTIS.

Patent 4,234,142: High Angle-of-Attack Missile Control System for Aerodynamically Controlled Missiles; filed June 8, 1978; patented Nov. 18, 1980; not available NTIS.

Patent 4,234,852: Coherent Frequency Shift Key Demodulator; filed Nov. 15, 1978; patented Nov. 18, 1980; not available NTIS.

Patent 4,236,546: Electronic Breathing Mixture Control; filed Oct. 23, 1978; patented Dec. 19, 1980; not available NTIS.

National Aeronautics and Space Administration, Assistant General Counsels for Patent Matters, NASA Code GP-4, Washington, DC 20546

Patent application 6,182,880: Modified Spiral Wound Retaining Ring; filed Aug. 29, 1980.
Patent application 6,195,226: Beam Connector Apparatus and Assembly; filed Oct. 8, 1980.
Patent 4,217,633: Solar Cell System Having Alternating Current Output; filed Aug. 10, 1979; patented Aug. 12, 1980; not available NTIS.

[FR Doc. 81-12751 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-04-M

Office of the Secretary

Potential Role of Advanced Materials in the Aerospace Industry

AGENCY: Assistant Secretary of Commerce for Productivity, Technology and Innovation.

ACTION: Notice of Public Workshop on Conservation and Substitution Technology for Critical Materials.

SUMMARY: In section 5(c) of the National Materials and Minerals Policy, Research and Development Act of 1980, Public Law 96-479, the Secretary of Commerce, in consultation with the Federal Emergency Management Agency, the Secretaries of Interior and Defense, and the Director of the Central Intelligence Agency, is directed to report to the Congress before October 21, 1981, on critical materials needs in a specific case related to national security, economic well-being, and industrial production.

As used in the Act, the term "materials" means substances, including minerals, of current or potential use that will be needed to supply the military, industrial, and essential civilian needs of the United States in the production of goods or services, including those which are primarily imported or for which there is a prospect of shortages or uncertain supply, or which present opportunities in terms of new physical properties, use, recycling, disposal, or substitution, with the exclusion of food and of energy fuels used as such.

The Department of Commerce has selected the aerospace industry as a focus for the first report and within that industry the anticipated specific needs for chromium, cobalt, titanium, tantalum, rapid solidification metals, near net shape, and composites. Attention will be devoted to opportunities with metallurgical coatings systems, and increased utilization of metals with domestic sources. Consideration will be given to requirements for an information stockpile on substitutes for critical

materials. The Secretary of Commerce will be recommending programs to assist in assuring that the future needs of the American aerospace industry for these materials can be met.

The Departments of Commerce and Interior, by this Notice, are soliciting participation in a public Workshop defining technical opportunities to deal with needs for the above materials. The Workshop will take place on 15-17 June 1981, in Light Hall at Vanderbilt University, Nashville, Tennessee, under the Chairmanship of Allen Gray, Technical Director, American Society for Metals and Adjunct Professor of Metallurgy at Vanderbilt. Participation of the public is encouraged. Requests for information should be addressed to Professor Robert Nash, School of Engineering, Vanderbilt University, P.O. Box 1553, Station B, Nashville, Tennessee 37235, Telephone: (615) 322-4877.

The tentative Workshop Program is set out below.

Dated: April 24, 1981.

Robert B. Ellert,

Acting Assistant Secretary for Productivity, Technology and Innovation.

Tentative workshop program:

Monday, 15 June

Opening Session

Opportunities in Conservation and Substitution—Allen Gray
Technology for Critical Materials—American Society for Metals
Current Activities in Substitution
National Bureau of Standards—John B. Wachtman, Jr.
Bureau of Mines—Ralph C. Kirby
U.S. Department of Defense—Jerome Persh, Research and Engineering
National Aeronautics and Space Administration—Joseph R. Stevens, NASA-Lewis Research Center
Charge to Workshop in Relation to Materials Policy Legislation (Pub. L. 96-479)—John B. Wachtman, Jr.

Chromium

Keynote Address—David C. Goldberg, Westinghouse Electric Corporation
Computer Systems for Developing Chromium-free Steels for Hardenability—Dale H. Breen, International Harvester Co.
Mn-Al-Fe Alloys: Substitutes for Stainless Steels—Samir K. Banerji, Foote Mineral Co.
Substitution for Chromium in Spring Steels—S. T. Furr, Bethlehem Steel Co.
Substitution of Modified 9Cr-1Mo for Austenitic Stainless Steels—Vinod Sikka, Oak Ridge National Laboratory
Substitute Stainless Steels with Less Chromium—Joe Douthett, ARMCO Steel
Comments from Floor
Development of views on action topics on chromium substitution

Cobalt

Keynote Address—Joseph R. Stevens, NASA-Lewis Research Center
Reduction of Cobalt in Gas Turbine Engines—Dennis Evans, Pratt and Whitney Aircraft Div.
Role of Cobalt in Astroloy—John Tien, Columbia University
Reduction of Cobalt in Mar-M247—Michael Nathal, Case Western Reserve University—NASA-Lewis Research Center
Role of Processing: Substitution for Cobalt in High Speed Steels—W. T. Haswell, Jr. Colt Industries/Crucible, Inc.
Substitution for Cobalt in Magnetic Alloys—Thomas D. Schlabach, Bell Laboratories
Boronizing as a Substitute for Cobalt—H. C. Dill, Hughes Tool Co.
Comments from floor
Development of views on action topics on cobalt substitution

Tuesday, 16 June*

Titanium

Keynote Address—Harris M. Burt, Air Force Materials Laboratory
Advantages in Materials and Energy Utilization for Powder Metallurgy
Titanium—Stanley Abkowitz, Dynamet Technology, Inc.
Benefits of Titanium in Airframes and Compromises in Substitution—Donald G. Goehler, Boeing Commercial Airplane Co.
Comments from floor
Development of views on action topics on titanium availability and utilization

Tantalum

Keynote Address—Thomas D. Schlabach, Bell Laboratories
Tantalum in High Temperature Alloys—James Ford, Cabot Corp.
Future Uses for Tantalum in Gas Turbine Engines—Henry A. Johnson, Air Force Materials Laboratory
Comments from floor
Development of views on action topics on substitution for tantalum and electronic materials

Technological Opportunities for Conservation of Critical Metals Utilizing Metallurgical Coating Systems

Keynote Address—David S. Duvall, Chairman, High Alloys Committee, Welding Research Council, Pratt and Whitney Aircraft Division, United Technologies Corp.
Potential for Hard Facing Application Technology to Conserve Critical Metals—S. J. Matthews, Cabot Corp., Chairman, Subcommittee on Hard Facing and Wear, Welding Research Council
Potential for Claddings to Conserve Critical Metals—James M. Glazebrook, Lukens Steel Co.
Conservation of Critical Metals Utilizing Surface Alloying—R. J. Van Thynne, DILEX Systems—Materials Research Corp.
Surface Modification Techniques to Conserve Critical Metals—Joe E. Jenkins and Dieter Sundermeyer, Leybold-Heraeus Vacuum Systems, Inc.

*Parallel sessions.

Potential for Ceramic Coatings to Conserve Critical Metals—Paul A. Siemers, General Electric Co.

Comments from floor

Development of views on action topics on conservation of critical metals by use of metallurgical coating systems

Technological Opportunities More Fully To Utilize Metals With Domestic Sources or Near Domestic Sources as Substitutes for Critical Metals

Keynote Address—Horace N. Lander, AMAX, Inc.

Molybdenum—Ralph M. Davison, AMAX, Inc.—Climax

Nickel—Robert J. Johnson, International Nickel Co.

Vanadium—R. J. Klotzbach, Union Carbide Corp.

Tungsten—C. C. Clark, AMAX, Inc.—Tungsten Vanadium/Molybdenum System—P. L. Mangonon, Foote Mineral Co.

Comments from floor

Development of views on action topics on opportunities for domestic sources

Opportunities for Conservation and Substitution of Critical Metals Utilizing Rapid Solidification Technology and Near Net Shape Processing

Keynote Address—Arden Bement, TRW, Inc. Potential for Rapid Solidification for Aluminum Alloys—Walter Cebulak, Aloca Laboratories

Potential for Near Net Shapes—J. Stanley Mosier, Manager, NNS Operation, General Electric Co.

Outlook for As-HIP'ed Near Net Shapes—John Moll, Colt/Crucible Research Center

Comments from floor
Development of views on action topics on conservation and substitution using rapid solidification and near net shape techniques

Wednesday, 17 June

Role of Composites in Substitution, Conservation, and Displacement of Critical Metals

Keynote Address—Alfred E. Brown, Celanese Corp.

Potential for Substitution in Aerospace—Military and Commercial—Richard N. Hadcock, Grumman Aerospace Corp.

Potential for Substitution in All Uses other than Aerospace—John Riggs, Celanese Plastics and Specialties Co.

Comments from floor

Development of views on action topics on potential of composites for substitution for critical materials

Substitution Preparedness—Information Stockpile on Substitution Technology

Keynote Address—A. O. Schaefer, Metals Properties Council

Presentations by

J. H. Westbrook, General Electric Co.

H. David Chafe, American Society for Metals

Hugh M. Morrow, III, Climax Molybdenum Co.

Harold Mindlin, Metals and Ceramics

Information Center, Battelle

James H. Graham, Deere & Co.

John R. Rumble, Jr., National Bureau of Standards

Ellis D. Verink, University of Florida

Frank M. Richmond, Universal-Cyclops Specialty Steel Division

Maurice A. H. Howes, IIT Research Institute

General Discussion: Summary of what is needed to provide an information system for substitution preparedness.

Summary of Workshop—N. E. Promisel

[FR Doc. 81-12548 Filed 4-29-81; 8:45 am]

BILLING CODE 3510-13-M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjusting Import Restraint Levels for Certain Cotton and Man-Made Fiber Textile Products From the Dominican Republic

April 24, 1981.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Increasing by the application of swing and carryforward the levels of restraint established for men's and boys' woven cotton shirts in Category 340 and man-made fiber brassieres in Category 649 to 139,054 dozen and 1,712,250 dozen, respectively, and decreasing, by the square yard equivalent amount of swing granted to Categories 340 and 649, the level for women's, girls, and infants' knit shirts and blouses of man-made fibers in Category 639 to 230,601 dozen. These adjustments apply to cotton and man-made fiber textile products, produced or manufactured in the Dominican Republic and exported during the agreement year which began on June 1, 1980 and extends through May 31, 1981.

[A detailed description of the textile categories in terms of T.S.U.S.A. numbers was published in the Federal Register on February 28, 1980 (45 FR 13172), as amended on April 23, 1980 (45 FR 27463), August 12, 1980 (45 FR 53506) and December 24, 1980 (45 FR 85142).]

SUMMARY: The Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979 between the Governments of the United States and the Dominican Republic provides that specific ceilings may be increased by not more than seven percent during an agreement year (swing), provided the amount of increase is offset by an equivalent decrease in one or more specific limits. The agreement further provides for the borrowing of yardage from the following agreement year (carryforward) with the amount used being deducted from the level in the following year. In accordance with the

terms of the bilateral agreement, and at the request of the Government of the Dominican Republic, the import restraint levels established for Categories 340, 639, and 649 are being adjusted for the 12-month period which began on June 1, 1980.

EFFECTIVE DATE: April 24, 1981.

SUPPLEMENTARY INFORMATION: On June 4, 1980, there was published in the Federal Register (45 FR 37716) a letter dated May 30, 1980 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs which established import restraint levels for certain specified categories of cotton, and man-made fiber textile products, including Categories 340, 639 and 649, produced or manufactured in the Dominican Republic and exported to the United States during the 12-month period which began on June 1, 1980 and extends through May 31, 1981. In accordance with the terms of the bilateral agreement and at the request of the Government of the Dominican Republic, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs in the letter published below to prohibit entry into the United States for consumption and withdrawal from warehouse for consumption of textile products in Categories 340, 639 and 649 in excess of the respective, adjusted levels of restraint of 139,054 dozen, 230,601 dozen and 1,712,250 dozen.

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

United States Department of Commerce,
International Trade Administration
Washington, D.C., April 24, 1981.

Committee for the Implementation of Textile Agreements

Commissioner of Customs, Department of the Treasury,
Washington, D.C.

Dear Mr. Commissioner: On May 30, 1980, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry for consumption, or withdrawal from warehouse for consumption, during the twelve-month period which began on June 1, 1980 and extends through May 31, 1981 of cotton and man-made fiber textile products in certain specified categories, produced or manufactured in the Dominican Republic, in excess of designated levels of restraint. The Chairman further advised you the levels of restraint are subject to adjustment.¹

¹The term "adjustment" refers to those provisions of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 7 and 8, 1979 between

Continued

Effective on April 24, 1981, the levels of restraint established for Categories 340, 639 and 649 in the directive of May 30, 1980 are adjusted to the following:

Category and Adjusted 12-Month Level of Restraint²

340	139,054 dozen
639	230,601 dozen
649	1,712,250 dozen

The actions taken with respect to the Government of the Dominican Republic and with respect to imports of cotton and man-made fiber textile products from the Dominican Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, which are necessary for the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the Federal Register.

Sincerely,

Paul T. O'Day,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 81-12938 Filed 4-28-81; 8:45 am]

BILLING CODE 3510-25-M

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Intent To Prepare Draft Environmental Statement for Proposed Farming Operation by Prudential Life Insurance Co. and McLean, Inc.

Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for a proposed farming operation by Prudential Life Insurance Company and McLean, Incorporated, a joint venture (Prulean Farms) which will require a Department of the Army Permit to place excavated materials in wetlands in the vicinity of Milltail Creek, east of Alligator River, Dare County, North Carolina.

Lead Agency: U.S. Army Corps of Engineers, Wilmington District, North Carolina.

Action: Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS).

Summary: Prulean Farms plan to clear and drain 22,325 acres of land for the

purpose of developing it for agricultural production of row crops. The proposed work will incorporate existing canals, roads, and ditches constructed by prior owners and new canals, roads, and ditches to be constructed by Prulean Farms.

Canals are to be excavated by dragline and the excavated material is to be placed adjacent to the canals to form roads. The canals are intended to provide primary drainage and convey water to "pump stations." The "V" ditches are to be excavated by backhoe at 300-foot intervals. A typical "V" ditch is to have a 5-6-foot top, a 1 1/2-foot bottom and a 5-foot depth. Excavated material from the "V" ditches is to be initially placed alternately on each side of each "V" ditch.

After construction of the "V" ditches, timber is to be removed by customary logging practices and equipment.

After timber is removed, stumps, roots, brush and branches are to be cleared by bulldozer and piled in windrows down the center of each field delineated by "V" ditches. The windrows are to be eliminated by a process of burning, repiling, burning, and ultimately hauling remaining debris from the land.

Excavated material from "V" ditches is to be leveled and the fields are to be shaped and leveled by bulldozer and land planes. It is intended that each field have a center crown 9 inches higher than the field edge at the "V" ditch bank (1/2% slope). Each block of fields is to be served by a road across one side and a primary canal across the opposite side.

Excessive rainfall is to be drained from fields by the "V" ditches and carried to the primary canals. Primary canals are to convey the water to the pump stations.

The land is presently either forested with predominant vegetation consisting of mixed hardwoods and pine, or has been heavily timbered in recent years with existent vegetation being brush and young hardwood and pine regrowth.

The project area is relatively flat with elevations ranging from 1.5 feet to 3.5 feet.

The area has been logged repeatedly during the last 3/4 century and is subject to frequent fires.

The wetland area is vegetated with pond pine (*Pinus serotina*), cypress (*Taxodium* spp), red maple (*Acer rubrum*), loblolly bay (*Gordonia lasianthus*), titi (*Cyrilla racemiflora*), black gum (*Nyssa sylvatica*), fetter bush (*Lyonia lucida*), pepper bush (*Clethra alnifolia*), and blueberry (*Vaccinium* spp.).

Alternatives to the proposed action that will be investigated include complete avoidance of wetlands, partial avoidance of wetlands, forestry, animal farming, peat mining, combinations of any of the above, and "no action." In addition, alternative techniques of site preparation and mitigation and various drainage configurations, hydraulic flow regimes, and road alignments will be explored.

A scoping meeting was held on January 28, 1981 at the North Carolina Marine Resources Center, Manteo, North Carolina to help determine issues to be addressed in the DEIS and for identifying the significant issues related to the proposed action. All affected Federal, State, and local agencies and other interested persons or groups were encouraged to attend this meeting by public notice of December 18, 1980. Written and oral comments were taken at the meeting and written comments were accepted until February 14, 1981. As a result of this meeting, a Scoping Report has been prepared and is available to the public.

The three most important issues as ranked by the attendees at the scoping meeting were effects on water quality and aquatic life, effects on terrestrial wildlife and wildlife habitat, and effects on air quality. These issues will be analyzed in depth in the DEIS.

It is anticipated that the DEIS will be released for review and comment in early 1982.

Questions about the proposed action and DEIS should be addressed to Mr. David Frankenstein, Special Projects Manager, Regulatory Functions Branch, Wilmington District, Corps of Engineers, PO Box 1890, Wilmington, North Carolina 28402, telephone (919) 343-4952, FTS 671-4952.

Robert K. Hughes,
Colonel, Corps of Engineers, District Engineer.

April 22, 1981.

[FR Doc. 81-12906 Filed 4-28-81; 8:45 am]

BILLING CODE 3710-GN-M

Office of the Secretary

Privacy Act of 1974; Notice of System of Records: Deletion

AGENCY: Office of the Secretary of Defense (OSD).

ACTION: Deletion of a system notice.

SUMMARY: The Office of the Secretary of Defense proposes to delete the system notice for the system of records identified as DWHIS P33 entitled: "Statement of Affiliation and Financial Interest Files." This system of records is

the Governments of the United States and the Dominican Republic, which provide, in part, that: (1) specific limits may be exceeded by designated percentages to account for swing with comparable amounts being deducted from other specific limits; (2) specific limits may also be increased for carryover and carryforward up to 11 percent of the applicable category limits; and (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

² The levels of restraint have not been adjusted to account for any imports after May 31, 1980.

being cancelled due to the fact it is adequately covered by the OPM/GOVT-8 system notice.

DATES: This deletion shall be effective May 29, 1981.

ADDRESSES: Send any comments to the System Manager identified in the system notice.

FOR FURTHER INFORMATION CONTACT: Norma Cook, Privacy Act Officer, ODASD(A), Room 5C-315, Pentagon, Washington, D.C. 20301. Telephone: 202/695-0970.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense (OSD) systems of records notices as prescribed by the Privacy Act have been published in the Federal Register.

FR Doc. 81-897 (46 FR 6427) January 21, 1981

FR Doc. 81-5568 (46 FR 12772) February 16, 1981

FR Doc. 81-6246 (46 FR 14031) February 25, 1981

FR Doc. 81-6491 (46 FR 14154) February 26, 1981

FR Doc. 81-7597 (46 FR 16114) March 11, 1981

FR Doc. 81-8041 (46 FR 16926) March 16, 1981

FR Doc. 81-8127 (46 FR 17074) March 17, 1981

FR Doc. 81-8281 (46 FR 17243) March 18, 1981

FR Doc. 81-8282 (46 FR 17243) March 18, 1981

FR Doc. 81-10201 (46 FR 20260) April 3, 1981

This proposed deletion is not within the purview of the provisions of 5 U.S.C. 552a(o) of the Act which requires the submission of new or altered system reports. It identifies the system notice to be deleted which was inadvertently omitted from FR Doc. 81-11473 (46 FR 22257), April 16, 1981.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington, Headquarters Services,
Department of Defense.*

April 24, 1981.

[FR Doc. 81-12892 Filed 4-28-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Review on MX Missile Basing Panel Meeting

The Defense Science Board Panel to Review MX Missile Basing will meet in closed session on 28, 29, and 30 May 1981 in San Francisco, California.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on scientific and technical matters as they affect the perceived needs of the Department of Defense.

This meeting of the Defense Science Board Panel to Review MX Missile Basing on 28, 29, and 30 May 1981 will review options and make recommendations concerning basing

schemes for the MX Missile.

In accordance with 5 U.S.C. App 1 10(d) (1976), it has been determined that this Defense Science Board Panel meeting concerns matters listed in 5 U.S.C. 552b(c)(1)(1976), and that accordingly, this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

April 24, 1981.

[FR Doc. 81-12858 Filed 4-28-81; 8:45 am]

BILLING CODE 3810-70-M

Defense Science Board Task Force on Water in Southwest Asia Advisory Committee Meeting

The Defense Science Board Task Force on Water in Southwest Asia will meet in closed session on 20-21 May 1981 at the Pentagon, Arlington, Virginia.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas. At the meeting on 20-21 May 1981 the Task Force will review the current and future capability of the U.S. to provide water support to military forces in Southwest Asia and make recommendations concerning improvements and other associated programmatic actions.

In accordance with 5 U.S.C. App. 1 10(d) (1976), it has been determined that this Defense Science Board Task Force meeting concerns matters listed in 5 U.S.C. 552b(c)(1) (1976), and that accordingly this meeting will be closed to the public.

M. S. Healy,

*OSD Federal Register Liaison Officer,
Washington Headquarters Services,
Department of Defense.*

April 24, 1981.

[FR Doc. 81-12859 Filed 4-28-81; 8:45 am]

BILLING CODE 3810-70-M

DEPARTMENT OF EDUCATION

Fund for the Improvement of Postsecondary Education

AGENCY: Fund for the Improvement of Postsecondary Education.

ACTION: Notice of Closed Meeting.

SUMMARY: This notice sets forth the proposed agenda of a forthcoming meeting of the National Board of the

Fund for the Improvement of Postsecondary Education. This notice also describes the functions of the Board. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Sec. 10(a)(2)).

DATE: May 28, 1981 at 5:00 p.m. through May 30, 1981 at 2:30 p.m.

ADDRESS: Belmont Conference Center, 6555 Belmont Woods, Elkridge, Maryland.

FOR FURTHER INFORMATION CONTACT: Arturo Madrid, Director, Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue, SW., Washington, D.C. 20202 (202/245-8091).

SUPPLEMENTARY INFORMATION: The National Board of the Fund for the Improvement of Postsecondary Education was established under Section 1003 of the Higher Education Amendments of 1980, Title X. The National Board of the Fund was established to:

Advise the Secretary and the Director of the Fund for the Improvement of Postsecondary Education * * * on the selection of projects under consideration for support by the Fund in its competitions.

The meeting of the National Board is closed to the public.

The proposed agenda includes: Reviewing and evaluating grant applications submitted to the Fund under the Comprehensive Program. The Board meeting will be closed to the public for review, discussion or consideration of proposals submitted to the Fund for the awards of grants or contracts. In accordance with the requirements of Section 10(d) of the Federal Advisory Committee Act, and subsections (4) and (6) of Section (c) of the Government in the Sunshine Act, Pub. L. 94-409, it has been determined that the meeting will be closed because the discussions of the applications and the qualifications of proposed staff will disclose commercial or financial information obtained from applicants which is confidential, or disclose information of a personal nature where disclosure to the public would constitute a clearly unwarranted invasion of personal privacy.

A summary of the activities at the closed session and related matters which are informative to the public consistent with the policy of Title 5 U.S.C. 552b(c) will be available to the public within fourteen days of the meeting.

Signed: April 15, 1981.

Dick Hays,

Acting Assistant Secretary, Educational Research and Improvement.

[FR Doc. 81-12844 Filed 4-28-81; 8:45 am]

BILLING CODE 4000-01-M

DEPARTMENT OF ENERGY

Proposed Subsequent Arrangement; Civil Uses of Atomic Energy; United States and Japan

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to the United Kingdom for the purpose of reprocessing. The material consists of 252 irradiated fuel elements containing 46,117 kilograms of uranium enriched to 1.19% in U-235, and 292 kilograms of plutonium, from the Fukushima I Plant, Units 3, 4, 5, and 6. This subsequent arrangement is designated as RTD/EU(JA)-39.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 14, 1981, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: April 24, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-12901 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; Civil Uses of Atomic Energy; United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to France for the purpose of reprocessing. The material consists of 164 irradiated fuel elements containing 72,600 kilograms of uranium enriched to 0.95% in U-235, and 683 kilograms of plutonium, from the Mihama Unit No. 3, Ohi Unit No. 2, and the Takahama Unit No. 2 Plants. This subsequent arrangement is designated as RTD/EU(JA)-37.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 14, 1981, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the

Senate. The two time periods referred to above shall run concurrently.

Dated: April 24, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[FR Doc. 81-12902 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

Proposed Subsequent Arrangement; Civil Uses of Atomic Energy; United States and European Atomic Energy Community

Pursuant to Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) notice is hereby given of a proposed "subsequent arrangement" under the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy, as amended, and the Additional Agreement for Cooperation Between the Government of the United States of America and the European Atomic Energy Community (EURATOM) Concerning Peaceful Uses of Atomic Energy, as amended.

This subsequent arrangement would give approval, which must be obtained under the above mentioned agreements, for the transfer of special nuclear material of United States origin from Japan to the United Kingdom for the purpose of reprocessing. The material consists of 98 irradiated fuel elements containing 18,500 kilograms of uranium enriched to 1.24% in U-235, and 135 kilograms of plutonium, from the Tsuruga Power Station and from the Tokai Power Station No. 2. This subsequent arrangement is designated as RTD/EU(JA)-38.

The Department of Energy has received a letter of assurance from the Government of Japan that the recovered uranium and plutonium will not be transferred from the reprocessing site, nor put to any use, without the prior approval of the United States Government.

In accordance with Section 131 of the Atomic Energy Act of 1954, as amended, it has been determined that the approval of this subsequent arrangement will not be inimical to the common defense and security.

This subsequent arrangement will take effect no sooner than May 14, 1981, and after fifteen days of continuous session of the Congress, beginning the day after the date on which the reports required by Section 131 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2160) are submitted to the

Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate. The two time periods referred to above shall run concurrently.

Dated: April 24, 1981.

For the Department of Energy.

Harold D. Bengelsdorf,

Director for Nuclear Affairs, International Nuclear and Technical Programs.

[PR Doc. 81-12903 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

Economic Regulatory Administration

Aminoil U.S.A., Inc.; Proposed Consent Order

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of Proposed Consent Order and opportunity for comment.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) announces a proposed Consent Order and provides an opportunity for public comment on the proposed Consent Order and on potential claims against the refunds deposited in an escrow account established pursuant to the Consent Order.

COMMENTS BY: May 29, 1981.

ADDRESS: Send comments to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, Central Enforcement District, 324 East 11th Street, Kansas City, Missouri 64106. Phone (816) 374-5932.

SUPPLEMENTARY INFORMATION: On April 8, 1981, the Office of Enforcement of the ERA executed a proposed Consent Order with Aminoil U.S.A., Inc. ("Aminoil"). Under 10 CFR 205.199(b), a proposed Consent Order which involves a sum of \$500,000 or more in the aggregate, excluding penalties and interest, becomes effective only after the DOE has received comments with respect to the proposed Consent Order. Although the ERA has signed and tentatively accepted the proposed Consent Order, the ERA may, after consideration of the comments it receives, withdraw its acceptance and, if appropriate, attempt to negotiate an alternative Consent Order.

I. The Consent Order

Aminoil, with its home office located in Houston, Texas, is engaged in the

processing and sale of natural gas liquids (NGL) and NGL products, and is subject to the Mandatory Petroleum and Allocation and Price Regulations at 10 CFR Parts 210, 211, and 212. To resolve certain civil actions which could be brought by the Office of Enforcement of the Economic Regulatory Administration as a result of its audit of Aminoil, the ERA Office of Enforcement and Aminoil entered into a Consent Order, the significant terms of which are as follows:

1. The Office of Enforcement has examined Aminoil's books and records and reviewed all pertinent matters relating to Aminoil's compliance with the DOE petroleum price regulations in effect during the period from September 1, 1973 through January 28, 1981. All civil matters pertaining to compliance with the DOE petroleum price regulations and prices charged by Aminoil in sales of NGL and NGL products during the period September 1, 1973 through January 28, 1981 are resolved by this Consent Order.

2. Aminoil will refund the aggregate amount of \$16,500,000, which includes interest through the date on which the Consent Order becomes effective.

3. Execution of the Consent Order constitutes neither an admission by Aminoil nor a finding by DOE that Aminoil has violated any statutes or applicable regulations of the Cost of Living Council, the Federal Energy Office, the Federal Energy Administration or the Department of Energy.

4. The provisions of 10 CFR 205.199], including the publication of this Notice, are applicable to the Consent Order.

II. Disposition of Refunded Overcharges

In this Consent Order, Aminoil agrees to refund, in full settlement of any civil liability with respect to actions which might be brought by the Office of Enforcement, ERA, arising out of the transactions specified in I.1. above, the sum of \$16,500,000 within 36 months after the Consent Order becomes effective.

Such refund will be made to the United States Department of Energy and will be delivered to the Assistant Administrator for Enforcement, ERA. These funds will remain in a suitable account pending the determination of their proper disposition.

The DOE intends to distribute the refund amounts in a just and equitable manner in accordance with applicable laws and regulations. Accordingly, distribution of such refunded overcharges requires that only those "persons" (as defined at 10 CFR 205.2) who actually suffered a loss as a result

of the transactions described in the Consent Order receive appropriate refunds. Because of the petroleum industry's complex marketing system, overcharges may have been passed through as higher prices to subsequent purchasers or offset through devices such as the Old Oil Allocation (Entitlements) Program, 10 CFR 211.67. In fact, the adverse effects of the overcharges may have become so diffused that it is a practical impossibility to identify specific, adversely affected persons, in which case disposition of the refunds will be made in the general public interest by an appropriate means such as payment to the Treasury of the United States pursuant to 10 CFR 205.199(a).

III Submission of Written Comments

A. Potential Claimant: Interested persons who believe that they have a claim to all or a portion of the refund amount should provide written notification to the ERA at this time. Proof of claims is not now being required. Written notification to the ERA at this time is requested primarily for the purpose of identifying valid potential claims to the refund amount. After potential claims are identified, procedures for the making of proof of claims may be established. Failure of a person to provide written notification of a potential claim within the comment period for this notice may result in the DOE irrevocably disbursing the funds to other claimants or to the general public interest.

B. Other Comments: The ERA invites interested persons to comment on the terms, conditions, or procedural aspects of this Consent Order. You should submit your comments or written notification of a claim on or before May 29, 1981 to Alan L. Wehmeyer, Chief, Crude Products Program Management Branch, ERA Central Enforcement District, U.S. Department of Energy, 324 East 11th Street, Kansas City, Missouri 64106. You may obtain a free copy of the Consent Order by writing to the same address.

You should identify your comments or written notification of a claim on the outside of your envelope and on the documents you submit with the designation, "comments on Aminoil Consent Order." We will consider all comments we receive on or before May 29, 1981. You should identify any information or data which is, in your opinion, confidential and submit it in accordance with the procedures in 10 CFR 205.9(f).

Issued in Kansas City, Missouri on the 14th day of April, 1981.

William D. Miller,
District Manager, Economic Regulatory
Administration.

Concurrence:
David H. Jackson,
Chief Enforcement Counsel.

[FR Doc. 81-12904 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

[ERA Case No. 52721-6135-1 through 20-22; Docket No. ERA-FC-80-035]

Southern California Edison Co.; Powerplant Exemptions

AGENCY: Economic Regulatory
Administration, Department of Energy.
ACTION: Notice of Availability of
Tentative Staff Analysis.

SUMMARY: On August 29, 1980, the Southern California Edison Company (Edison) petitioned the Economic Regulatory Administration (ERA) of the Department of Energy (DOE) for twenty permanent peakload powerplant exemptions from the provisions of the Powerplant and Industrial Fuel Use Act of 1978, 42 U.S.C. 8301 *et seq.* (FUA or the Act), which prohibit the use of natural gas or petroleum in new powerplants.

Edison plans to install twenty 64,500 KW distillate oil-fired simple cycle combustion turbine units at its Lucerne Valley Project (Units CT-1 through CT-20). Edison certifies that each unit will be operated solely as a peakload powerplant and will be operated only to meet peakload demand for the life of each unit.

ERA required the submission of additional information which was subsequently received from Edison on September 25, 1980. ERA accepted the petition on November 12, 1980, and published notice of its acceptance in the Federal Register on November 19, 1980 (45 FR 76513). Publication of the Notice of Acceptance commenced a 45-day public comment period pursuant to Section 701 of FUA. Interested persons were also afforded an opportunity to request a public hearing. The comment period ended January 5, 1981. No comments or requests for a public hearing were received.

ERA's staff has reviewed the information presently contained in the record of this proceeding. A Tentative Staff Analysis recommends that ERA issue an order which would grant the permanent peakload powerplant exemptions to Edison. ERA will issue a final order granting or denying the petitions for permanent exemptions from the prohibitions of the Act within six months, unless extended by ERA,

after the public comment period provided for in this notice has expired. Notice of, and a statement of reasons for, any extension will be published in the Federal Register.

DATES: Written comments on the Tentative Staff Analysis and requests for a hearing are due on or before May 13, 1981.

ADDRESSES: Fifteen copies of written comments, and any request for a public hearing shall be submitted to: Department of Energy, Case Control Unit, Box 4629, Room 2313, 2000 M Street NW., Washington, D.C. 20461. Docket Number ERA-FC-80-035 should be printed clearly on the outside of the envelope and the document contained therein.

FOR FURTHER INFORMATION CONTACT: Jack C. Vandenberg, Office of Public Information, Economic Regulatory Administration, Department of Energy, 2000 M Street NW., Room B-110, Washington, D.C. 20461, Phone (202) 653-4055.

Louis T. Krezanosky, Economic Regulatory Administration, Department of Energy, Room 3012B, 2000 M Street NW., Washington, D.C. 20461, Phone (202) 653-4208.

Marx Elmer, Office of General Counsel, Department of Energy, 1000 Independence Avenue SW., Room 6B-178, Washington, D.C. 20585, Phone (202) 252-2987.

The public file containing a copy of the Tentative Staff Analysis and other documents and supporting material on this proceeding is available for inspection upon request at ERA, Room B-110, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, 8:00 a.m.-4:30 p.m.

SUPPLEMENTARY INFORMATION: Southern California Edison Company (Edison) plans to install twenty 64,500 KW distillate oil-fired simple cycle combustion turbine units at its Lucerne Valley Project (Units CT-1 through CT-20). Six of these units are scheduled for commercial operation in June 1985, six in 1986, and eight in 1987. Based upon estimates by Edison, each proposed unit is expected to consume the energy equivalent of approximately 176,000 barrels of distillate fuel oil per year (482 bbl/day).

Edison submitted a sworn statement with the petition signed by Mr. A. Arenal, Vice President of Southern California Edison Company, as required by 10 CFR 503.41(b)(1). In his statement, Mr. Arenal certified that Units CT-1 through CT-20 will be operated solely as peakload powerplants and will be operated only to meet peakload demand for the life of each unit. He also certified

that the maximum design capacity of each unit is 64,500 KW and that the maximum generation that each unit will be allowed during any 12-month period is the design capacity times 1,500 hours or 96,750,000 Kwh.

National Environmental Policy Act Compliance

Section 763(3) of the FUA provides that the grant or denial of an exemption is not a major Federal action for purposes of Section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA) where " * * the Secretary finds, in consultation with the appropriate Federal agency, and publishes such finding that an environmental impact statement is required in connection with another Federal action and such statement will be prepared by such agency and will reflect the exemption adequately."

DOE's Office of Environment has determined, after consultation with the Bureau of Land Management of the U.S. Department of Interior (BLM), that an environmental impact statement (EIS) is required to analyze the cumulative effect of operating twenty peakload units, as well as impacts from the construction of transmission lines and water and fuel pipelines.

In order to determine the environmental soundness of the Lucerne Valley project, BLM will supervise the preparation of an EIS for the Lucerne valley Project in cooperation with DOE in accordance with § 1501.5 of the Council on Environmental Quality Regulations which provides for agency cooperation in the NEPA process. BLM has agreed to act as lead agency and prepare the EIS in a manner which adequately reflects the petitioner's requested peakload powerplant exemptions. Accordingly, under the authority of Section 763(3) ERA's decision on Edison's petition is not a major Federal action for purposes of NEPA and a separate EIS is not required to be prepared by DOE.

This Tentative Staff Analysis does not constitute a decision by ERA to grant the requested exemptions. Such a decision will be made in accordance with 10 CFR 501.68 on the basis of the entire record of this proceeding including any comments received on the Tentative Staff Analysis.

Terms and Conditions

Section 214(a) of the Act gives ERA the authority to include terms and conditions in any order granting an exemption. Based upon the information submitted by Edison and upon the results of the staff analysis, the staff of

ERA has tentatively determined and recommends that any order which would grant the requested permanent peakload powerplant exemptions should, pursuant to Section 214 of the Act, be on the following terms and conditions:

A. Edison shall not produce more than 96,750,000 Kwh during any 12-month period with each unit. Edison shall provide annual estimates of the expected periods (hours during specific months) of operation of Units CT-1 through CT-20 for peakload purposes (e.g., 8:00-10:00 am and 3:00-6:00 pm during the June-September period, etc.). Estimates of the hours in which Edison expects to operate Units CT-1 through CT-20 during the first 12-month period shall be furnished within 30 days from the date of this order.

B. Edison shall comply with the reporting requirements set forth at 10 CFR 503.41(d).

C. The quality of any petroleum to be burned in each unit will be the lowest grade available which is technically feasible and capable of being burned consistent with applicable environmental requirements.

D. Edison shall comply with any terms and conditions which may be imposed pursuant to the environmental requirements set forth at 10 CFR 503.15(b).

Issued in Washington, D.C., on April 23, 1981.

Robert L. Davies,

Assistant Administrator, Office of Fuels Conversion, Economic Regulatory Administration.

[FR Doc. 81-12905 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket No. ER81-199-000]

Central Telephone and Utilities Corp.; Filing

April 22, 1981.

The filing company submits the following:

Take notice that on March 30, 1981, Central Telephone and Utilities Corporation submitted for filing revised rate schedules and revised cost of service statements pursuant to the Commission's order of February 27, 1981, in the above-referenced proceeding.

Any person desiring to be heard or to protest this filing should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, on or before May 14, 1981. Comments will be

considered by the Commission in determining the appropriate action to be taken. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12782 Filed 4-29-81; 8:45 am]

BILLING CODE 6450-05-M

[Project No. 4386-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 20, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4386 to be known as the Bell Creek, Trinity Project located on Bell Creek in Trinity County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Vice-President, Consolidated Hydroelectric, Inc., 698 Azalea Avenue, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a 45-foot long, 5-foot high concrete and rock diversion structure; (2) a 6,100-foot long diversion conduit or channel; (3) a 750-foot long, 25-inch diameter steel penstock; (4) a powerhouse containing generating units with a combined rated capacity of 1,170 kW; and (5) a 4-mile long 12.5-kV transmission line. The Applicant estimates that the average annual energy output would be 4.6 million kWh.

Purpose of Project—The project's energy will be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks a preliminary permit for a period of 36 months, during which time it will conduct geological, environmental, engineering and economic feasibility studies. No new roads will be required to conduct these studies. The estimated cost of conducting these studies and preparing an FERC license application is \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the

permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows and interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS".

"NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4386. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12769 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4379-000]

Consolidated Hydroelectric, Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Consolidated Hydroelectric, Inc. (Applicant) filed on March 19, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4379 to be known as Soda Creek, Plumas County, California. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. L. Porter Davis, Consolidated Hydroelectric, Inc., 698 Azalea, Redding, California 96002. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a natural rock diversion structure; (2) a 100-foot long, 5-foot high, 8-foot wide concrete diversion structure; (3) a 9,700-foot long diversion conduit or channel; (4) a 900-foot long, 32-inch diameter penstock; (5) a powerhouse containing generating

equipment with a combined capacity of 4,500 kW; and (6) a 4-mile long, 12.5 kV transmission line. The Applicant estimates that the average annual energy output would be 19.8 million kWh.

Purpose of Project—The power generated by the proposed project would be sold to Pacific Gas and Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of 36 months, during which time it would survey the project boundary; perform geological studies; prepare an environmental report; study the economic and financial feasibility; and apply for necessary rights. The cost of these studies is estimated by the Applicant to be \$80,000 to \$140,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to

intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4379. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12764 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4210-000]

Enagenics; Application for Preliminary Permit

April 22, 1981.

Take notice that Enagenics (Applicant) filed on February 17, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed

Project No. 4210 to be known as Yellowtail Afterbay Dam located on the Big Horn River in Big Horn County, Montana. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Enagenics, 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the northwest end of the dam containing generating units having a total installed capacity of 5.72 MW; (2) a proposed penstock and tailrace; (3) proposed transmission lines; and (4) appurtenant facilities. Applicant would utilize an existing dam owned by the Water and Power Resources Service, Department of the Interior. Applicant's facilities would be located on U.S. lands. The Applicant estimates that the average annual energy output would be 34.3 GWh.

Purpose of Project—Energy produced at the project would be sold to Western Area Power Administration or Pacific Power and Light Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 36 months. During that time studies would be conducted to determine the engineering, economic, and environmental feasibility of the project. In addition, Federal, State, and local government agencies would be consulted concerning the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be approximately \$40,000.00.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly

from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Mitchell Energy Company, Inc., Project No. 3749, filed on November 17, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before April 28, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than June 29, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE A COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4210. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the

Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12785 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-95-M

[Project No. 4281-000]

Energenics Systems, Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Energenics Systems, Inc. (Applicant) filed on March 2, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4281 to be known as Kentucky River Lock and Dam No. 8 located on Kentucky River in Jessamine County, Kentucky. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Thomas H. Clarke, Jr., President, Energenics Systems, Inc., 1727 Q Street, N.W., Washington, D.C. 20009. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would consist of: (1) a proposed powerhouse, located at the west end of the existing dam, containing generating units having a total installed capacity of 9.0 MW; (2) proposed penstocks and intake structures; (3) proposed 138 kV transmission lines; and (4) appurtenant facilities. Applicant would utilize an existing dam owned by the U.S. Army Corps of Engineers, and the Applicant's facilities would be located mostly on U.S. lands. The Applicant estimates that the average annual energy output would be 31.4 GWh.

Purpose of Project—Energy produced at the project would be sold to Kentucky Utilities Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a

period of 36 months to study and determine the engineering, environmental, and economic feasibility of the project. In addition Federal, State, and local government agencies would be consulted to determine the environmental effects of the project, along with preparing an application for FERC license. Applicant estimates the cost of the studies would be \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to Continental Hydro Incorporation Project No. 3643 filed on November 3, 1980, and Dam Eight Development Ltd. Project No. 3677 filed on November 5, 1980. Anyone desiring to file a competing application must submit to the Commission, on or before June 8, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 7, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33(b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33(a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to

the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4281. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12786 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-415-000]

Florida Power & Light Co.; Filing

April 21, 1981.

The filing company submits the following:

Take notice that Florida Power & Light Company (FPL) on April 14, 1981 tendered for filing documents entitled "Exhibit I to Service Agreement for Interchange Transmission Service Implementing Specific Transactions Under Service Schedules A (Emergency Service), B (Short Term Firm Service), C (Economy Interchange Service) and D

(Firm Service) of Contracts for Interchange Service."

FPL states that under the Exhibit, FPL will transmit power and energy for the Fort Pierce Utilities Authority (Fort Pierce) as is required by Fort Pierce in the implementation of its interchange agreement with the Utilities Commission of the City of New Smyrna Beach.

FPL requests that waiver of § 35.13 of the Commission's Regulations be granted and that the proposed Exhibit be made effective immediately. FPL states that copies of the filing were served on the Director of Fort Pierce.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12792 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-416-000]

Idaho Power Co.; Filing

April 21, 1981.

The filing Company submits the following:

Take notice that on April 15, 1981, the Idaho Power Company tendered for filing in compliance with the Federal Energy Regulatory Commission's Order of October 7, 1978, a summary of sales made under the Company's 1st Revised FERC Electric Tariff, Volume No. 1 (Supersedes Original Volume No. 1) during February, 1981, along with cost justification for the rate charged.

Any person desiring to be heard or to protest said filing should file a protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12793 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-24-000]

JKJ Co.; Application for Adjustment and Request for Interim Relief

April 22, 1981.

On April 2, 1981, JKJ Company (JKJ), P.O. Box 666, Graham, Texas 76046, filed an application for a staff adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3412(c) (Supp. II 1978), and § 1.41 of the Federal Energy Regulatory Commission (Commission) Rules of Practice and Procedure.

Specifically, JKJ alleges that it is a Texas oil and gas operator in Young County, Texas, which sells natural gas to Southwestern Gas Pipeline Company (Southwestern) under a contract dated December 13, 1968. JKJ states that under the terms of the contract, JKJ is obligated to compress the gas from its gas well I.D. Number 45165 and place it in Southwestern's pipeline at pressures up to 800 p.s.i. JKJ alleges that at the present contract price, \$1.00 per Mcf (the maximum lawful price under NGPA section 105), it cannot produce and compress the gas and show a reasonable profit. As a result, JKJ claims that it has shut the well in, except for a small amount of production necessary to keep the lease in effect. JKJ requests an adjustment from NGPA section 110 and the commission regulations implementing the section so that it can place the well back in production. In addition, JKJ seeks interim relief under § 1.41(m) of the Commission regulations.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41 (44 FR 18961, March 30, 1979). Any person desiring to participate in this adjustment proceeding shall file a petition to intervene in accordance with the provisions of § 1.41. All petitions to intervene must be filed on or before May 14, 1981.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12797 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. CP70-239]

Kansas-Nebraska Natural Gas Co., Inc.; Amendment to Petition To Amend

April 21, 1981.

Take notice that on March 30, 1981, Kansas-Nebraska Natural Gas Company, Inc. (Petitioner), P.O. Box 608, Hastings, Nebraska 68901, filed in Docket No. CP70-239¹ an amendment to its pending petition to amend further the order issued July 22, 1970, in the instant docket filed pursuant to Section 7(c) of the Natural Gas Act so as to eliminate its request for blanket authorization to add and delete delivery points under its Rate Schedule X-5, all as more fully set forth in the amendment which is on file with the Commission and open to public inspection.

Petitioner states that the July 22, 1970, order authorized the exchange of natural gas between Petitioner and Cities Service Gas Company (Cities Service) in accordance with the exchange agreement dated March 27, 1970. It is submitted that said exchange agreement is on file with the Commission as Petitioner's Rate Schedule X-5.

Petitioner further states that on September 22, 1980, it filed a petition to amend the order issued July 22, 1970, so as to authorize Petitioner to deliver gas to Cities Service at an additional delivery point and to grant blanket certificate authority to add and delete delivery points under Rate Schedule X-5 with Petitioner to file with the Commission on or before January 31 of each year a tariff filing showing additions or deletions of delivery points.

It is asserted that Petitioner and Cities Service have determined that they do not desire the Commission to grant, at this time, the requested blanket certificate authority to add and delete delivery points. Therefore, Petitioner amends its petition to amend by withdrawing its request for such blanket authority.

Any person desiring to be heard or to make any protest with reference to said amendment should on or before May 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to

¹ This proceeding was commenced before the FPC. By joint regulation of October 1, 1977 (10 CFR 1000.1), it was transferred to the Commission.

the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. All persons who have heretofore filed need not file again.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12794 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket Nos. ER76-827 and ER77-427]

Minnesota Power and Light Co.; Filing

April 21, 1981.

The filing company submits the following:

Take notice that on or about April 13, 1981, Minnesota Power and Light Company submitted for filing two separate compliance reports. The first report is being submitted pursuant to the Commission Opinion No. 86, as modified by Opinion No. 86-A, in docket number ER75-827; the second filing is being submitted pursuant to Commission Opinion No. 87, as modified by Opinion No. 87-A, in docket number ER77-427.

A copy of this filing has been sent to the parties to this proceeding.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12795 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4351-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-

825(r)] for proposed Project No. 4351 to be known as Alum Creek Dam Hydroelectric Project located on Alum Creek in Delaware County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with that requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the existing Corps of Engineers' Alum Creek Flood Control Dam and would consist of: (1) a new powerplant built just below the dam; (2) turbine/generator units rated at 900 kW and operating under a head of 66 feet; and (3) appurtenant facilities. The Applicant estimates that the average annual energy output would be 2,000,000 kWh.

Purpose of Project—The Applicant anticipates that all project would be sold to Columbus and Southern Ohio Electric Company.

Proposed Scope and Cost of Studies Under Permit—The Applicant seeks issuance of a preliminary permit for a period of two years, during which time it would perform survey and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly

from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (d) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE A COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4351. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North

Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12788 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4352-000]

Mitchell Energy Co., Inc.; Application for Preliminary Permit

April 22, 1981.

Take notice that Mitchell Energy Company, Inc. (Applicant) filed on March 16, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4352 to be known as the Delaware Dam Hydroelectric Project located on Olentangy River in Delaware County, Ohio. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Mitchell L. Dong, Mitchell Energy Company, Inc., 173 Commonwealth Avenue, Boston, Massachusetts 02116. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the existing Corps of Engineers' Delaware Flood Control Dam and would consist of: (1) a new powerplant built just below the dam; (2) turbine/generator units rated at 1.2 MW and operating under a head of 34 feet; and (3) appurtenant facilities.

The Applicant estimates that the average annual energy output would be 3,800,000 kWh.

Purpose of Project—All project power would be sold to Columbus and Southern Ohio Electric Company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of 24 months, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power,

secure financing commitments, consult with Federal, State, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—Anyone desiring to file a competing application must submit to the Commission, on or before June 22, 1981, either the competing application itself or a notice of intent to file a competing application. Submission of a timely notice of intent allows an interested person to file the competing application no later than August 21, 1981. A notice of intent must conform with the requirements of 18 CFR 4.33 (b) and (c) (1980). A competing application must conform with the requirements of 18 CFR 4.33 (a) and (b) (1980).

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a

protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before June 22, 1981.

Filing and Service of Responsive Documents—Any comments, notices of intent, competing applications, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "NOTICE OF INTENT TO FILE COMPETING APPLICATION", "COMPETING APPLICATION", "PROTEST", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4352. Any comments, notices of intent, competing applications, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any notice of intent, competing application, or petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12789 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ID-1938-000]

Neil A. Armstrong; Filing

April 21, 1981.

The filing party submits the following: Take notice that on March 30, 1981, Neil A. Armstrong submitted an application, pursuant to Section 305(b) of the Federal Power Act to hold the following positions:

Director, The Cincinnati Gas & Electric Company, Public Utility
Director, Eaton Corporation, Electrical Equipment Supplier

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and

1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12786 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. CP81-256-000]

Northern Natural Gas Co., Division of InterNorth, Inc.; Notice of Application

April 21, 1981.

Take notice on March 27, 1981, Northern Natural Gas Company, Division of InterNorth, Inc. (Applicant), 2223 Dodge Street, Omaha, Nebraska 68102, filed in Docket No. CP81-256-000 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas to Panhandle Eastern Pipe Line Company (Panhandle), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to a transportation and sales agreement with Panhandle and Trunkline Gas Company (Trunkline) dated October 30, 1980, Applicant proposes to sell to Panhandle at Panhandle's option up to 20 percent of Applicant's 100 percent interest in gas produced from Grand Isle Block 83, offshore Louisiana, as partial consideration for the transportation by Panhandle of the dedicated reserves. It is stated that such gas is purchased by Applicant from Mobil Oil Exploration and Producing Southeast, Inc.

It is stated that Trunkline would receive Applicant's Block 83 gas at the existing side tap on Trunkline's Terrebonne system in Grand Island Block 82 and transport the gas to its Longville, Louisiana, compressor station in Beauregard Parish, Louisiana, for further delivery by Panhandle and Trunkline to Applicant's system.

Applicant states that the gas would be sold to Panhandle on a monthly cost of service basis which is estimated to average \$3.40 per Mcf for the first year.

Any person desiring to be heard or to make any protest with reference to said

application should on or before May 12, 1981, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12797 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. ER81-417-000]

Otter Tail Power Co.; Filing

April 22, 1981.

The filing company submits the following:

Take notice that on April 14, 1981, Otter Tail Power Company (Otter Tail) submitted for filing an agreement for an emergency tie at 12,500 volts between Otter Tail and Nodak Rural Electric Cooperative, Inc.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12790 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. ER81-187-000]

Public Service Co. of New Mexico; Filing

April 21, 1981.

The filing company submits the following:

Take notice that on March 27, 1981, Public Service Company of New Mexico submitted for filing a report in compliance with the Commission's order issued February 27, 1981, in the above-referenced proceeding.

A copy of this filing has been served upon the New Mexico Public Service Commission, Community Public Service Company, the United States Department of Energy—Albuquerque Operations Office, Plains Electric Generation and Transmission Cooperative, and the City of Farmington, New Mexico.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 11, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12796 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. EL81-12-000]

State of Arkansas v. Middle South Utilities, Inc.; Filing

April 21, 1981.

The filing company submits the following:

Take notice that on April 1, 1981, the State of Arkansas (Arkansas) submitted for filing a petition for a declaratory order that the Commission declare a Memorandum of Understanding to the Middle South Utilities System Agreement (memo) to be in violation of section 206(a) of the Federal Power Act and therefore null and void. Arkansas further requests that the Commission order Middle South Utilities (MSU) to refrain from any discrimination against cogenerators.

In its petition, Arkansas submits that in the memo, the MSU member companies agreed to ignore purchase of cogeneration capacity in calculating capacity equalization charges. Furthermore, Arkansas alleges that purchases of cogeneration energy will be priced at the highest avoided energy cost. As a result of these actions, Arkansas claims that the memo provides for unreasonably discriminatory treatment of cogeneration capacity.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All such petitions or protests should be filed on or before May 15, 1981. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12799 Filed 4-28-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. GP81-19-000]

State of Oklahoma; Petition To Vacate Final Well Category Determination and Request for Withdrawal

Issued: April 21, 1981.

In the matter of State of Oklahoma, Section 108 NGPA determination, Tenneco Oil Exploration and

Production, Mike Mayer, Jr. "A" #1 Well, JD. No. 80-24422.

On January 7, 1981, Tenneco Oil Exploration and Production (Tenneco) filed with the Federal Energy Regulatory Commission (Commission) a petition to vacate and permit withdrawal of the final well category determination for the Mike Mayer, Jr. "A" #1 Well pursuant to the Commission's authority under the Natural Gas Policy Act of 1978 (NGPA), 15 U.S.C. 3301-3432 (Supp. II 1978). Tenneco states that the Oklahoma Corporation Commission made an affirmative determination that the subject well qualifies as a stripper well under section 108 of the NGPA and that the determination became final 45 days after the Commission received notice pursuant to § 275.202(a) of the Commission's regulations.

Tenneco further states that subsequent to the time the determination became final, it conducted an audit of its stripper well filings. On the basis of that audit, Tenneco learned that the well does not meet section 108 standards and it therefore requests that the final determination be vacated for the purpose of withdrawal. The petition states that no refunds are due as no section 108 rates were collected for gas from the subject well.

Any person desiring to be heard or to protest this petition should, on or before May 29, 1981, file with the Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, a protest or a petition to intervene in accordance with § 1.8 or 1.10 of the Commission's Rules of Practice and Procedure. All protests filed with the Commission will be considered, but will not make the protestants parties to the proceeding. Any person wishing to become a party to the proceeding or to participate as a party in any hearing must file a petition to intervene in accordance with the Commission's Rules.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12800 Filed 4-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Docket No. SA81-22-000]

Superwood Corp.; Application for Adjustment

Issued: April 22, 1981.

On March 19, 1981, Superwood Corporation (Superwood) filed with the Federal Energy Regulatory Commission (Commission) an application for an adjustment pursuant to section 502(c) of the Natural Gas Policy Act of 1978

(NGPA) wherein Superwood sought relief from liability for certain incremental pricing surcharges.

Superwood uses natural gas as a boiler fuel to manufacture hardboard. The Commission's incremental pricing regulations (18 CFR Part 282) imposed surcharges on the purchases of natural gas Superwood used as boiler fuel from January 1, 1980, the date the incremental pricing program took effect, through December of 1980, the last billing month before Superwood's natural gas use qualified as an agricultural use exempt from incremental pricing. On December 5, 1980 the Commission determined that natural gas used to manufacture hardboard is an agricultural use of gas, and thus exempt from incremental pricing under section 206(b) of the NGPA. Order No. 114, Docket No. RM80-48 (45 FR 82915, Dec. 17, 1980). Superwood did not pay these surcharges and now requests an adjustment from the Commission's incremental pricing regulations to relieve it of liability to pay these surcharges retroactively.

The procedures applicable to the conduct of this adjustment proceeding are found in 18 CFR 1.41. Any person desiring to participate in this proceeding shall file a petition to intervene in accordance with the provisions of § 1.41(e). All petitions to intervene must be filed on or before May 14, 1981.

Kenneth F. Plumb,

Secretary.

[FR Doc. 81-12791 Filed 4-26-81; 8:45 am]

BILLING CODE 6450-85-M

[Project No. 4255-000]

Taylor County Commission and the Town of Flemington; Application for Preliminary Permit

April 22, 1981.

Take notice that Taylor County Commission and the Town of Flemington (Applicant) filed on February 25, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4255 to be known as the Tygart Hydro Project located on the Tygart River in Taylor County, West Virginia. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Wendel B. Turner, County Administrator, Room 105, Courthouse-West Main Street, Grafton, West Virginia 26354. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements

specified for the particular kind of response that person wishes to file.

Project Description—The proposed project would utilize the existing U.S. Army Corps of Engineers' Tygart Lake Dam and Reservoir and would consist of: (1) a powerhouse containing generating units having a total rated capacity of 20,000 kW; (2) a trailrace; (3) a new 138-kV transmission line, approximately 2.5 miles long; and (4) appurtenance facilities. The Applicant estimates that the average annual energy output would be 30,000,000 kWh.

Purpose of Project—Project energy would be sold to local public utilities.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would prepare studies of the hydraulic, construction, economic, environmental, historic and recreational aspects of the project. Depending on the outcome of the studies, Applicant would prepare an application for an FERC license. Applicant estimates the cost of the studies under the permit would be \$35,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to West Virginia Renewable Resources application for Project No. 3417 filed on September 2, 1980, under 18 CFR § 4.33 (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions to Intervene—Anyone desiring to be heard or to make any protest about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is made in response to this notice of application for preliminary permit for Project No. 4255. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, Room 208, 400 First Street, N.W., Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice.

Kenneth F. Plumb,
Secretary.
[FR Doc. 81-12803 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RP80-97, etc.]

**Tennessee Gas Pipeline Co., et al.;
Technical Conference and of Informal
Settlement Conference**

April 21, 1981.

In the matter of Tennessee Gas Pipeline Company, Docket No. RP80-97; Michigan Wisconsin Pipe Line Company, Docket No. RP80-100; Southern Natural Gas Company, Docket No. RP80-102; Natural Gas Pipe Line

Company of America, Docket No. 80 RP80-107; Transcontinental Gas Pipe Line Corporation, Docket No. RP80-117; United Gas Pipe Line Company, Docket No. RP80-121; Trunkline Gas Company, Docket No. RP80-108; Columbia Gulf Transmission Corporation, Docket No. RP80-146; Sea Robin Pipeline Company, Docket No. RP80-118; Florida Gas Transmission Company, Docket No. RP81-7; High Island Offshore System, Docket No. RP81-18; and U-T Offshore System, Docket No. RP81-20.

Take notice that on May 7, 1981 at 10:00 a.m., there will be a technical conference of all interested persons for the purpose of reviewing certain data to be submitted and to discuss the derivation and treatment of that data and that there will be an informal conference of all interested persons on May 13, 1981 at 1:30 p.m. and if necessary on May 15, 1981 at 10:00 a.m. for the purposes of discussing settlement of issues pertaining to the allocation of transmission costs between the transportation of natural gas and liquids and liquefiable hydrocarbons. Such issues appear to arise in the above-captioned dockets, which while not consolidated, will be the subject of joint discussions as a matter of convenience and to assure consistency in the resolution of these issues to the extent possible.

The meeting place for the technical conference and for the informal settlement conference will be the offices of the Federal Energy Regulatory Commission, 825 North Capitol St., N.E., Hearing Room A, Washington, D.C. 20426.

Customers, those retaining an interest in the subject liquids and liquefiable hydrocarbons and other interested persons will be permitted to attend this conference, but if such persons have not previously been permitted to intervene in any of the above-captioned dockets by order of the Commission or of a Presiding Administrative Law Judge attendance will not be deemed to authorize intervention as a party in any of these proceedings nor will attendance by a person granted intervention in one or more of the above-captioned proceedings be deemed to authorize intervention in any other docket.

All parties will be expected to come fully prepared to discuss the merits of the issues arising in those proceedings in which they have a pertinent and cognizable interest and to make commitments with respect to such issues and to any offer of settlement or stipulations discussed at the conference.

Inquiries concerning these conferences may be made to Lawrence

Acker or Norma Rosner at (202) 357-8522.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12801 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Project No. 4046-000]

**Town of Huntington, Massachusetts;
Application for Preliminary Permit**

April 22, 1981

Take notice that the Town of Huntington, Massachusetts (Applicant) filed on January 22, 1981, and revised on March 18, 1981, an application for preliminary permit [pursuant to the Federal Power Act, 16 U.S.C. 791(a)-825(r)] for proposed Project No. 4046 to be known as the Knightville Project located on the Westfield River in Hampshire County, Massachusetts. The application is on file with the Commission and is available for public inspection. Correspondence with the Applicant should be directed to: Mr. Hans Schott, Chair, Board of Selectmen, Town Hall, Huntington, Massachusetts 01050. Any person who wishes to file a response to this notice should read the entire notice and must comply with the requirements specified for the particular kind of response that person wishes to file.

Project Description—The proposed run-of-river project would utilize the existing U.S. Army Corps of Engineers' Knightville Dam and would consist of: (1) a new penstock tapping into the existing outlet tunnel; (2) a new powerhouse; (3) a turbine/generator unit rated at 1.5 MW; (4) necessary transmission equipment and (5) appurtenant facilities. The Applicant estimates that the average annual energy output would be 4.7 million kWh.

Purpose of Project—Project power would either be sold directly by the Applicant to its citizens or sold to a local power company.

Proposed Scope and Cost of Studies Under Permit—Applicant seeks issuance of a preliminary permit for a period of three years, during which time it would perform surveys and geological investigations, determine the economic feasibility of the project, reach final agreement on sale of project power, secure financing commitments, consult with Federal, state, and local government agencies concerning the potential environmental effects of the project, and prepare an application for FERC license, including an environmental report. Applicant estimates the cost of studies under the permit would be \$50,000.

Purpose of Preliminary Permit—A preliminary permit does not authorize construction. A permit, if issued, gives the Permittee, during the term of the permit, the right of priority of application for license while the Permittee undertakes the necessary studies and examinations to determine the engineering, economic, and environmental feasibility of the proposed project, the market for power, and all other information necessary for inclusion in an application for a license.

Agency Comments—Federal, State, and local agencies that receive this notice through direct mailing from the Commission are invited to submit comments on the described application for preliminary permit. (A copy of the application may be obtained directly from the Applicant.) Comments should be confined to substantive issues relevant to the issuance of a permit and consistent with the purpose of a permit as described in this notice. No other formal request for comments will be made. If an agency does not file comments within the time set below, it will be presumed to have no comments.

Competing Applications—This application was filed as a competing application to the application filed by the Water Power Development Corporation for Project No. 3337 on August 19, 1980, under 18 CFR (1980), and, therefore, no further competing applications or notices of intent to file a competing application will be accepted for filing.

Comments, Protests, or Petitions To Intervene—Anyone desiring to be heard or to make any protests about this application should file a petition to intervene or a protest with the Commission, in accordance with the requirements of its Rules of Practice and Procedure, 18 CFR 1.8 or 1.10 (1980). Comments not in the nature of a protest may also be submitted by conforming to the procedures specified in § 1.10 for protests. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but a person who merely files a protest or comments does not become a party to the proceeding. To become a party, or to participate in any hearing, a person must file a petition to intervene in accordance with the Commission's Rules. Any comments, protest, or petition to intervene must be received on or before May 15, 1981.

Filing and Service of Responsive Documents—Any comments, protests, or petitions to intervene must bear in all capital letters the title "COMMENTS", "PROTESTS", or "PETITION TO INTERVENE", as applicable. Any of these filings must also state that it is

made a response to this notice of application for preliminary permit for Project No. 4048. Any comments, protests, or petitions to intervene must be filed by providing the original and those copies required by the Commission's regulations to: Kenneth F. Plumb, Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. An additional copy must be sent to: Fred E. Springer, Chief, Applications Branch, Division of Hydropower Licensing, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Room 208 RB Building, Washington, D.C. 20426. A copy of any petition to intervene must also be served upon each representative of the Applicant specified in the first paragraph of this notice. Kenneth F. Plumb, Secretary.

[FR Doc. 81-12804 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

[Docket No. RE81-115-000]

Tucson Electric Power Co.; Application for Exemption

April 21, 1981.

Take notice that Tucson Electric Power Company (Tucson), on March 31, 1981, filed an application for exemption from certain requirements of Part 290 of the Commission's Regulations concerning collection and reporting of cost of service information under Section 133 of the Public Utility Regulatory Policies Act, Order No. 48 (44 FR 58687, October 11, 1979). Exemption is sought from the requirements to file on or before June 30, 1982, information on the costs of providing electric service as specified in Subpart E.

In its application for exemption, Tucson states that it should not be required to file the specified data for the following reasons:

1. Tucson will completely comply with Subparts B, C and D.
2. Tucson has retained a management consulting firm to assist it because of a lack of sufficient staff to enable them to do the required gathering and reporting of load data "in-house."

3. The Arizona Corporation Commission has concurred with Tucson's request for an exemption.

Copies of the application for exemption are on file with the Commission and are available for public inspection. Any person desiring to present written views, arguments, or other comments on the application for exemption should file such information with the Federal Energy Regulatory Commission, 825 North Capitol Street,

N.W., Washington, D.C. 20426, on or before 45 days following the date this notice is published in the **Federal Register**. Within that 45-day period such person must also serve a copy of such comments on: Tucson Electric Power Company, Attention: Mr. Frederick B. Durland, Assistant Vice President, P.O. Box 711, Tucson, Arizona, 85702.

Kenneth F. Plumb,
Secretary.

[FR Doc. 81-12802 Filed 4-28-81; 8:45 am]
BILLING CODE 6450-85-M

ENVIRONMENTAL PROTECTION AGENCY

[AD-FRL 1813-7]

National Air Pollution Control Techniques Advisory Committee; Open Meeting

Under Public Law 92-463, notice is hereby given that a meeting of the National Air Pollution Control Techniques Advisory Committee will be held on June 2 and 3, 1981, at the Holiday Inn of Old Town, Brent Room, 480 King Street, Alexandria, Virginia 22314. The commercial telephone number is (703) 549-6080.

The tentative agenda for the meeting is as follows:

June (Tuesday)—9:00 a.m.

Heatset Web-Offset Lithographic Printing, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103] Manufacture of High Density Polyethylene, Polypropylene, and Polystyrene Resins, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

Air Oxidation Processes in the Synthetic Organic Chemical Manufacturing Industry, Control Techniques Guidelines for Volatile Organic Compounds [Sections 101(b) and 103]

June 3 (Wednesday)—9:00 a.m.

Continuation of June 2—As Required Volatile Organic Compounds Fugitive Emissions in the Petroleum Refining Industry, New Source Performance Standard (Section 111)

All meetings are open to the public. Anyone wishing to make a presentation should contact Ms. Mary Jane Clark at the Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, by May 26, 1981. The commercial telephone number is (919) 541-5571, and the FTS number is 629-5571.

The docket containing material relevant to volatile organic compounds fugitive emissions in the petroleum refining industry (A-80-44) is located in the U.S. Environmental Protection Agency, Central Docket Section, West Tower Lobby-Gallery 1, 401 M Street, S.W., Washington, D.C. 20460. The docket may be inspected between 8:00 a.m. and 4:00 p.m. on weekdays, and a reasonable fee may be charged for copying.

Dated: April 23, 1981.

Edward F. Tuerk,

Acting Assistant Administrator for Air, Noise, and Radiation.

[FR Doc. 81-12827 Filed 4-28-81; 8:45 am]

BILLING CODE 6560-26-M

[OPP-66081; PH-FRL 1814-3]

Certain Pesticide Products; Intent To Cancel Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice lists the name of firms requesting voluntary cancellation of registration of their pesticide products in compliance with section 6(a)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) as amended. Production of these products after the effective date of cancellation will be considered a violation of the Act unless continued registration is requested.

EFFECTIVE DATE: May 29, 1981.

ADDRESS: Written comments to: Document Control Officer (TS-793), Management Support Division, Office of Pesticides and Toxic Substances, Environmental Protection Agency, Rm. E-401, 401 M St. SW., Washington, DC 20460 (202-426-2610).

FOR FURTHER INFORMATION CONTACT: Lela Sykes, Process Coordination Branch (TS-767C), Registration Division, Office of Pesticide Programs, Environmental Protection Agency, Rm. 516, CM #2, 1921 Jefferson Davis Highway, Arlington, VA 22202 (703-557-7121).

SUPPLEMENTARY INFORMATION: EPA has been advised by the following firms of their intent to voluntarily cancel registration of their pesticide products.

Registration

Number	Product name	Registrant	Date registered
52-6	Westofume	West Chemical Products, Inc., 1000 Herontown Rd., Princeton, NJ 08540.	Mar. 9, 1953.
160-447	ATRA-BOR 8P Granular Herbicide	Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, NC 27408.	Feb. 18, 1960.
148-784	Fumigant No. 1	Thompson Hayward Chemical Company, P.O. Box 2383, Kansas City, KS 66110.	Feb. 1, 1968.
148-889	T-H Vault Fumigant	do	Mar. 16, 1970.
148-991	T-H Grain Fumigant No. 7	do	Apr. 27, 1972.
148-1041	T-H E.D.B. 40	do	Apr. 21, 1972.
148-1069	T-H 2% Trithion Dust	do	Apr. 21, 1972.
148-1087	T-H E.D.B. 85	do	Apr. 21, 1972.
230-35	Solfume 25	FMC Corporation, Industrial Chemical Group, 2000 Market St., Philadelphia, PA 19103.	Feb. 14, 1950.
299-102	Vaportone Concentrate	Chevron Chemical Co., Ortho Division, 840 Hensley Street, Richmond, CA 94801.	Jan. 13, 1948.
239-2386	Ortho Vaportone XX Emulsive	do	June 12, 1972.
239-2387	Ortho Tepp 40 Spray	do	Apr. 27, 1972.
491-1	Selig's Rodent Rat Killer Antu 25%	Selig, Inc., 840 Selig Dr., SW., Atlanta, GA 30336.	Dec. 30, 1947.
676-8	Barry's Derma-Seal Screw Worm Killer	Swansee Drug Co., P.O. Box 128, Newberry, FL 32569.	Oct. 5, 1972.
702-32	Kro-Foot-Kil	Alfco Rokeby Company, Inc., P.O. Box 267, Marietta, Ohio 45750.	Oct. 11, 1973.
1269-33	DeWitt S-77 Weed Killer	Zep Manufacturing Co., Box 2015, Atlanta, GA 30301.	Nov. 7, 1960.
1269-104	DeWitt Number 170 Brush Killer	do	June 16, 1970.
1270-63	Zep Formula 31	do	Nov. 22, 1961.
1270-164	Zep-O-Fume Grain Mill Fumigant	do	Feb. 8, 1973.
1553-14	Momax Mil-X Fumigant	Moar, Inc., 1830 Ellsworth Industrial Drive, NW, Atlanta, GA 30318.	July 6, 1948.
1553-67	Momax Grain-Guard Grain Protectant in Liquid Form	do	Aug. 9, 1968.
4887-60	Stephenson Chemicals Fumalin Rat Bait Pellets	Stephenson Chemical Company, Inc., Box 87188, College Park, GA 30337.	Jan. 9, 1961.
4887-120	Stephenson Chemicals Fumalin Rat Bait Meal	do	Mar. 22, 1966.
5967-64	Trithion 25W	Moyer Chemical Co., P.O. Box 945, San Jose, CA 95108.	Apr. 30, 1973.
5967-93	Trithion-Sulfur Dust No. 3-50	do	Mar. 16, 1974.
8590-98	Agway Serafume	Agway, Inc., Chemical Division, Box 1333, Syracuse, NY 13201.	Apr. 6, 1965.
8590-385	Agway Inhibitor 3E	do	Mar. 13, 1975.
9779-196	Rivendale Stand 10D	Rivendale Chemical Company, P.O. Box 171376, Memphis, TN 38117.	Feb. 28, 1973.
9779-220	Rivendale Stand 10G	do	Apr. 3, 1975.
10659-35	Oxy 10-30-10 with 0.25% Phostemic T	Occidental Chemical Company, P.O. Box 1185, Houston, Texas 77001.	Oct. 31, 1973.
10659-36	Oxy 10-30-10 with 0.33% Phostemic T	do	Nov. 1, 1973.
10659-37	Oxy 10-30-10 with 0.40% Phostemic T	do	Oct. 29, 1973.
10659-38	Oxy 10-30-10 with 0.50% Phostemic T	do	Oct. 29, 1973.
10659-39	Oxy 10-30-10 with 0.75% Phostemic T	do	Oct. 30, 1973.
10659-40	Zipp 5-36-4 with 1.0% Phostemic T	do	Nov. 1, 1973.
35639-1	Sodium Hypochlorite	Aqua Chemical Corporation, 13501 Baltimore Blvd., Laurel, MD 20810.	Sept. 17, 1975.

The Agency has agreed that such cancellation shall be effective May 29,

1981 unless within this time the registrant or other interested person

with the concurrence of the registrant, requests that the registration be

continued in effect. The registrants were notified by certified mail of this action.

The Agency has determined that the sale and distribution of these products produced on or before the effective date of cancellation may legally continue in commerce until the supply is exhausted, or for 1 year after the effective date of cancellation, whichever is earlier; provided that the use of these products is consistent with the label and labeling registered with EPA. Furthermore, the sale and use of existing stocks have been determined to be consistent with the purposes of FIFRA as amended. Production of these products as pesticide formulations after the effective date of cancellation will be considered to be a violation of the Act.

Requests that the registration of these products be continued, may be submitted in triplicate to the Process Coordination Branch, Registration Division (TS-767), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, DC 20460.

Comments may be filed regarding this notice. Written comments should bear a notation indicating the document control number "[OPP-66081]" and the specific registration number. Any comments filed regarding this notice will be available for public inspection in the Document Control Office, Room E-106, at the above address from 8:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays.

(Sec. 6(a)(1) of FIFRA as amended 86 Stat. 973, 89 Stat. (751, 7 U.S.C. 136))

Dated: April 22, 1981.

James M. Conlon,
Acting Deputy Assistant Administrator for
Pesticide Programs.

(FR Doc. 81-12828 Filed 4-28-81; 9:45 am)
BILLING CODE 6560-32-M

[AD-FRL-1741-1]

Standards of Performance for New Stationary Sources; Petroleum Liquid Storage Vessels: Proposed Equivalency Determinations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of Proposed Equivalency Determinations and Public Hearing.

SUMMARY: This is a notice of EPA's proposed determination that two seal systems for petroleum liquid storage vessels, for which equivalency determinations were requested by the manufacturers, are not equivalent to volatile organic compound (VOC) emission control systems required by the standards of performance in Subpart

Ka of 40 CFR Part 60. A public hearing will be held to provide interested persons an opportunity for oral presentations of data, views, or arguments concerning these determinations.

DATES: *Comments.* Comments must be received on or before June 29, 1981.

Public Hearing. A public hearing will be held on May 28, 1981 (about 30 days after publication beginning at 9 a.m.).

Request to Speak at Hearing. Persons wishing to present oral testimony must contact EPA by May 22, 1981.

ADDRESSES: *Comments.* Comment should be submitted (in duplicate if possible) to: Central Docket Section (A-130), Attention: Docket Number A-80-58, U.S. Environmental Protection Agency, 401 M Street, SW, Washington, D.C. 20460.

Public Hearing. The public hearing will be held at the office of Administration Auditorium, EPA, Research Triangle Park, N.C. Persons wishing to present oral testimony should notify Ms. Naomi Durkee, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5571.

Docket. Docket No. A-80-58, containing supporting information used in making the determinations is available for public inspection and copying between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section, West Tower Lobby, Gallery 1, Waterside Mall, 401 M Street, SW, Washington, D.C. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Gene W. Smith, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711, telephone number (919) 541-5624.

SUPPLEMENTARY INFORMATION:

Background

On April 4, 1980, under the authority of Sections 111, 114, and 301(a) of the Clean Air Act, EPA promulgated and on December 18, 1980, published a correction to standards of performance in Subpart Ka of 40 CFR Part 60 for volatile organic compound (VOC) emissions from petroleum liquid storage vessels. One of the requirements of these standards is that each new, modified, or reconstructed petroleum liquid storage vessel of greater than 151,416 liters (40,000 gallons) capacity containing a petroleum liquid with a true

vapor pressure greater than 10.3 kPa (1.5 psia) and less than 76.6 kPa (11.1 psia) be equipped with one of the following:

1. An external floating roof fitted with a double seal system, which must meet specific seal gap criteria between the tank wall and the floating roof;

2. A fixed roof with an internal-floating cover equipped with a seal between the tank wall and the edge of the cover;

3. A vapor recovery and disposal or return system which reduces VOC emissions by at least 95 percent, by weight; or

4. Any system which is demonstrated to the Administrator to be equivalent to those described above.

As required by Section 111(h)(3) of the Clean Air Act, the standards provide that after notice and opportunity for public hearing, the Administrator may approve the use of equipment or procedures, or both, which are equivalent in terms of reduced VOC emissions to equipment or procedures required by the standards. This provision, in 40 CFR 60.114a, requires that EPA be provided with emission data, if available, or other information to determine the VOC emission reduction capabilities of the equipment or procedures.

An important consideration in determining equivalency is the intent of the standards promulgated on April 4, 1980. The intent of the standards was to require new, modified, and reconstructed petroleum liquid storage vessels to install the best systems of emission reduction. One of the best systems is an external floating roof equipped with two seals instead of the single seal which was allowed by the original 1974 standards. The Administrator believes that over a period of time, at least nominal gaps between a seal and the tank wall will occur due to tank out-of-roundness and normal operations which cause the seal system to deteriorate. When gaps occur, a single seal releases VOC emissions to a much greater extent than a double seal system. Therefore, the standards require a double seal system, or its equivalent, to provide insurance against high VOC emissions in the event seal gaps occur between periodic seal inspections.

Requests for Equivalency Determinations

EPA has received two requests for equivalency determinations for seals for external floating roofs. The first request, submitted by Pittsburgh-Des Moines Steel Company (PDM), is for approval of the TUBESEAL[®] and weathershield as equivalent to a liquid-mounted primary

seal equipped with a continuous secondary seal. The TUBESEAL® is PDM's liquid-filled, liquid-mounted seal design. A weathershield is typically an arrangement of overlapping thin metal sheets either bolted or hinged to the rim of a floating roof and extending over the liquid in the rim space to ride against the tank wall. Since there are "openings" between the overlapping metal sheets, a weathershield does not meet the requirements in the standard for a secondary seal to "completely" cover the area between the roof edge and tank wall. PDM submitted emission data from a 35-foot diameter field-installed external floating roof test tank equipped with their liquid-filled, liquid-mounted primary seal and weathershield. The PDM test, however, was conducted with no gaps in the primary seal. Since information available to EPA and comments provided during development of the standards show that at least nominal gaps occur in a field tank between seal inspections, the PDM data obtained with no gaps were obtained under conditions not representative of normal operations. Therefore, to fully evaluate the PDM seal with weathershield, it was necessary to calculate emissions under a range of conditions based on data on this seal system obtained from controlled tests performed by Chicago Bridge and Iron Company (CBI) on a 20-foot diameter pilot test tank (see Figure 1). The calculations are in close agreement with PDM's field test results and confirm PDM's claim that the liquid-mounted primary seal is very effective in reducing emissions when there are no gaps between the seal and tank wall. Calculations based on the CBI data also show, however, that emissions increase significantly when gaps occur. A continuous secondary seal with no gaps would reduce the emissions by about 78 percent, whereas a weathershield such as PDM's would reduce the emissions by only about 48 percent when the primary seal has nominal gaps (2.4 in² per foot of tank diameter). When the primary seal has gap areas as large as 10.0 in² per foot of tank diameter the results would be similar, as shown in Figure 1. These data indicate that a liquid-mounted primary seal has the potential for high VOC emissions when gaps occur and that a continuous secondary seal is almost twice as effective as a weathershield in reducing those emissions. Therefore, the Administrator has determined that the PDM liquid-mounted primary seal with a weathershield is not equivalent to a seal system which meets the requirements of the standards.

The second request, submitted by R.F.I. Services Corporation and Republic Fabricators Inc. (RFI), is for approval of the "Weather-Guard" single seal system as equivalent to a double seal system (specifically, the vapor-mounted, foam seal system) required by the standards. The "Weather-Guard" is a vapor-mounted single seal analogous to the primary foam seal in the vapor-mounted foam seal system. RFI submitted leak rate data on the "Weather-Guard" compared to data they collected on a foam seal system (vapor-mounted foam primary seal with a secondary flapper seal) installed in commercial 68-foot diameter gasoline storage tanks. The leak rates were determined by injecting nitrogen under the "Weather-Guard" and under the primary foam seal and measuring the nitrogen flow (Leakage) at various pressures under these seals. The leak rate data indicate that the "Weather-Guard" seal, with no gaps greater than 0.32 cm (1/8 inch), leaks at a lower rate than the double seal systems required by the standards. Actual emission estimate, however, would be difficult to determine from these leak rate data. While it may be possible to estimate emissions for similar vapor-mounted single seals based on the "Weather-Guard" leak rate, it is not possible to estimate emissions from double seal systems. The pressure variations between the seals introduce a variable that cannot be solved with linear equations. A further complication is that the linear approach ignores the fact that pressure under the seal in actual operation decreases linearly from the leeward to the windward side of the tank and also does not take into account the pressure drop of the air becoming saturated with hydrocarbon as it flows around the rim vapor spaces under the seals. Therefore, the leak rate data submitted by the requestor are not adequate to make an accurate comparison of the emission reduction potential of the "Weather-Guard" seal to that of the double seal systems required by the standards.

In the absence of adequate data on the "Weather-Guard's" emission reduction capability, the equivalency determination is based on emission data for a vapor-mounted foam primary seal to which the "Weather-Guard" is analogous. Calculations based on emission tests performed by the Chicago Bridge and Iron Company (CBI) on a 20-foot diameter test tank indicate that a vapor-mounted foam seal with a gap of 1.0 in² per foot of tank diameter and a secondary seal with no gaps [i.e., gap widths of 0.32 cm (1/8 inch) or less] would emit 6 pounds of VOC per day.

The same vapor-mounted seal without a secondary seal would emit 128 pounds of VOC per day. The "Weather-Guard" seal could be expected to have the same high emission potential due to the large vapor space between the seal and the petroleum liquid. Therefore, although under "no gap" conditions, the "Weather-Guard" would possibly perform as well as the vapor-mounted foam primary seal with a secondary seal, it would not perform as well if gaps occurred between inspections. As indicated in the preamble to the proposed standards (43 FR 21621, May 18, 1978), EPA believes that at least nominal gaps could occur in a field tank between seal inspections. Due to the high emission potential of the "Weather-Guard" seal, the Administrator has determined that it is not equivalent to any of the seal systems required by the standards in terms of reducing VOC emissions to the atmosphere.

Public Hearing

A public hearing will be held to discuss the equivalency determinations in accordance with Sections 111(h)(3) and 307(d)(5) of the Clean Air Act. Persons wishing to make oral presentations should contact EPA at the address given in the ADDRESSES section of this preamble. Oral presentations will be limited to 15 minutes each. Any member of the public may file a written statement before, during, or within 30 days after the hearing. Written statement before, during, or within 30 days after the hearing. Written statements should be addressed to the Central Docket Section address given in the ADDRESSES section of this preamble.

A verbatim transcript of the hearing and written statements will be available for public inspection and copying during normal working hours at EPA's Central Docket Section in Washington, D.C. (see ADDRESSES section of this preamble).

Docket

The docket is an organized and complete file of all the information submitted to or otherwise considered in the development of these determinations. The principal purposes of the docket are (1) to allow interested parties to readily identify and locate documents so that they can intelligently and effectively participate in the rulemaking process, and (2) to serve as the record in case of judicial review.

Miscellaneous

The Administrator will welcome comments on all aspects of the equivalency determinations, including

economic and technological issues. Comments on a particular issue should contain specific information and data pertinent to an evaluation of the magnitude and severity of its impact and suggested alternative courses of action that would avoid this impact.

The Administrator certifies that a regulatory flexibility analysis under 5 U.S.C. 601 *et seq.* is not required for these determinations. The proposed determinations, if made final, would not have a significant economic impact on a substantial number of small entities, because they would not impose any new

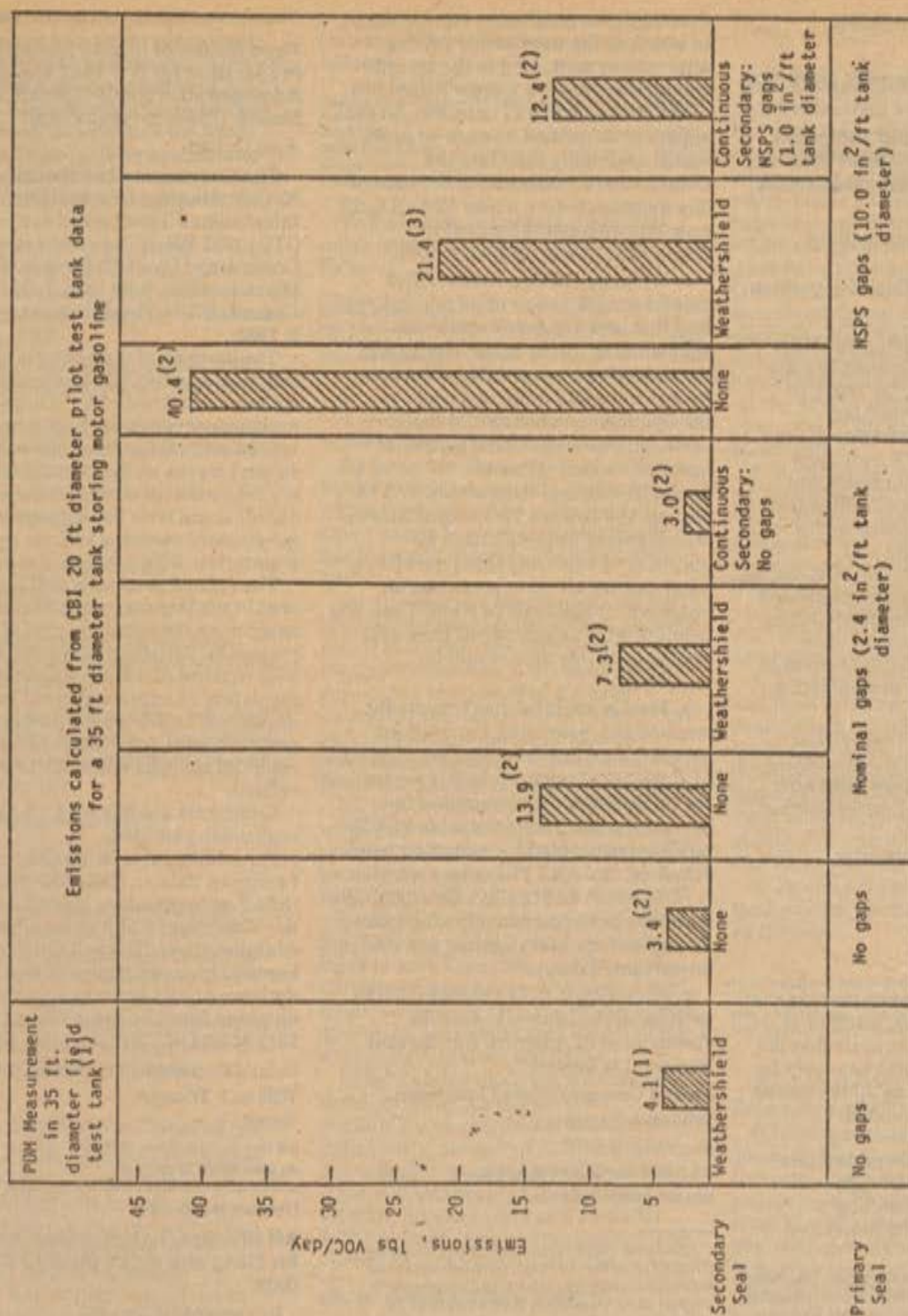
requirements. In addition, since the determinations would do no more than deny requests for agency action, they are not "rules" for the purposes of 5 U.S.C. 601 *et seq.*

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. These determinations of equivalency are not major because they would result in none of the adverse economic effects set forth in Section 1 of the Order as grounds for finding a regulation to be a "major rule."

This action was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at: Central Docket Section (A-130) Attention Docket number A-80-58, U.S. EPA 401 M Street SW., Washington, D.C. 20460.

Dated: April 21, 1981.
Walter C. Barber, Jr.,
Acting Administrator.
BILLING CODE 6550-25-M

Figure 1. Emissions from liquid-filled, liquid-mounted primary seals under various test conditions normalized to 7.5 psia and 5.4 mph



(1) Average daily emissions measured over a 106-day period when storing gasoline with conditions normalized to 7.5 psia and 5.4 mph.

(2) Calculated from specific CBI tests.

(3) Calculated from specific CBI primary seal test using a weathershield efficiency of 48 percent from other tests.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 80-765; Transmittal 13555; FCC 81-183]

American Telephone and Telegraph Company; Revisions to Tariff FCC No. 259—Wide Area Telecommunications Service (WATS)

AGENCY: Federal Communications Commission.

ACTION: Investigation; Denial of petition for oral argument.

SUMMARY: The FCC previously set for investigation AT&T's September 1980 WATS (46 FR 9754, Jan. 29, 1981). It invited comments on questions concerning the implementation of time-of-day pricing for WATS. Petitioner requests oral argument in order that conflicting viewpoints set forth in the comments may be presented to the Commission in a succinct and comprehensive manner. The FCC denies the petition because the comments and reply comments have provided parties ample opportunity to present their views. Moreover, the FCC has stressed the need for expedition in conducting this investigation.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT: Anne Coffey, Common Carrier Bureau, (202) 632-6917.

SUPPLEMENTARY INFORMATION:

Order

Adopted: April 22, 1981.

Released: April 22, 1981.

By the Commission:

1. By petition filed March 30, 1981, Aerospace Industries Association of America, Inc. ("AIA") requests that the Commission schedule oral argument for the purpose of addressing all the issues raised in the above-captioned proceeding relating to the implementation of a time-of-day rate structure for WATS.¹ AIA argues in support that parties submitting comments in this investigation have

demonstrated conflicting viewpoints as to which of the time-of-day pricing alternatives contained in the record would best promote more efficient use of the public switched network. An oral argument scheduled as soon as possible would assertedly facilitate the Commission's resolution of the time-of-day question before a new WATS tariff goes into effect at the end of the suspension period on June 1, 1981.²

2. We deny AIA's petition. After careful consideration of its request, we find that oral argument would not substantially aid us in our analysis of the time-of-day proposals before us. Parties have had a full opportunity through their comments and reply comments to set forth the myriad of questions which relate to implementation of time-of-day WATS pricing. We believe the comprehensive record before us is sufficient for purposes of exploring these questions fully, and we are now preparing an order which will resolve them. Thus, any benefits which might result from oral argument at this time would be marginal.

3. The Commission has repeatedly emphasized, moreover, the need for expedition of this investigation. See, e.g., FCC 80-777 at para. 27. In this regard, we remind AIA that our efforts to establish a just and reasonable WATS tariff are controlled by a court ordered schedule. See *MCI Telecommunications v. FCC*, 627 F. 2d 322 (D.C. Cir. 1980). We therefore have consistently attempted throughout our investigation to avoid unwarranted delay.³

4. Accordingly, it is ordered that the petition of Aerospace Industries Association of America, Inc. for oral argument is denied.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-12993 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

¹ Southern Pacific Communications Company ("SPCC") and the Ad Hoc Telecommunications Users Committee have submitted comments in support of AIA's petition. AT&T has filed an opposition.

² For example, we have issued orders denying requests by the United States Independent Telephone Association ("USITA") and the Ad Hoc Telecommunications Users Committee for extensions of time within which to file comments and reply comments. See orders in Docket No. 80-765, released February 11, 1981, and March 4, 1981.

[Report No. 16306; Gen. Docket No. 80-184]

Third Notice of Inquiry Issued in Preparation for ITU 1982 World Administrative Radio Conference for Mobile Telecommunications

April 13, 1981.

The Commission has issued its Third Notice of Inquiry in preparation for an International Telecommunication Union (ITU) 1982 World Administrative Radio Conference¹ (WARC) for mobile telecommunications to be held in Geneva, Switzerland, beginning March 3, 1982.

The purpose of the notice is to solicit comments on the U.S. preliminary views contained in Appendix I. These preliminary views, or draft proposals, will be refined further in the next several weeks as the comments received are taken into account, results of coordination with the appropriate government agencies and the results of appropriate international meetings.

The refined proposals will then be sent to the Department of State this summer as the recommended U.S. proposals. Parties commenting should bear in mind that more specific regulatory changes may need to be developed further as the proposals progress, or in some cases other resulting changes will have to be further refined.

Comments are due May 15, 1981, replies May 29, 1981.

For additional information contact Lawrence Palmer, (202) 632-8102. Due to the effort to minimize publishing costs, the Third Notice of Inquiry which contains appendix I will not be printed herein. However, copies of that document in its entirety may be obtained from the Press Office, Rm. 202, 1919 M St. NW., Washington, D.C.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-12948 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. B-15]

AM Broadcast Applications Accepted for Filing and Notification of Cut-Off Date

Released: April 22, 1981.

Cut-off date: May 29, 1981.

Notice is hereby given that the following applications have been

¹ On September 15, 1980, the American Telephone and Telegraph Company ("AT&T") filed revisions to its WATS tariff. We suspended the filing for five months and initiated an investigation into the need for a time-of-day WATS rate structure. We deferred consideration of other issues raised by the September proposal until the time-of-day question was resolved. See American Telephone and Telegraph Co., CC Docket No. 80-765, FCC 80-777, released December 29, 1980 (hereafter "FCC 80-777").

¹ See 45 FR 35418, May 27, 1980 and 45 FR 73792, Nov. 6, 1980.

accepted for filing. Because they are in conflict with applications previously accepted for filing and subject to cut-off dates for conflicting applications, no application which would be in conflict with them will be accepted for filing.

Petitions to deny these applications must be on file with the Commission no later than the close of business on May 29, 1981.

Minor amendments to these applications, and to those they are in conflict with, may be filed as a matter of right not later than the close of business on May 29, 1981.

BP-810330AF (new), Miami, Florida, ICBC Corporation, Req: 670 kHz, 2.5 kW, 50 kW-LS, DA-2, U

BP-810410AT (new), Gatlinburg, Tennessee, Vacation Media, Inc., Req: 1230 kHz, 250 W, 1 kW-LS, U

Federal Communications Commission,
William J. Tricarico,
Secretary.

[FR Doc. 81-12836 Filed 4-29-81; 8:45 am]

BILLING CODE 6712-01-M

[BC Docket No. 81-270, File No. BPCT-790815KS; and BC Docket No. 81-271, File No. BPCT-800602LE]

Kare-Kim Broadcasting Co., Inc., and Benko Broadcasting Co.; Designating Applications for Consolidated Hearing on Stated Issues

Hearing Designation Order

Adopted: April 15, 1981.

Released: April 28, 1981.

By the Chief, Broadcast Bureau:

1. The Commission, by the Chief, Broadcast Bureau, acting pursuant to delegated authority, has before it the above-captioned mutually exclusive applications for authority to construct a new commercial television station to operate on Channel 53, Lansing, Michigan.

Kare-Kim Broadcasting Company, Inc.

2. Kare-Kim Broadcasting Company, Inc. (Kare-Kim), Lansing, Michigan, proposes to lease its broadcast equipment from Van Arnem Co. (Van Arnem), an entity engaged in the business of leasing equipment. However, Van Arnem has agreed to lease that equipment only if it finds suitable financing to purchase the equipment. This contingency precludes us from determining whether Van Arnem, in fact, has communications equipment available to lease. Consequently, an issue with respect to the availability of equipment will be specified against the applicant.

3. Applicant's financial proposal indicates that \$901,487 will be required

to construct and operate the proposed station for three months, estimated as follows:

Equipment payments with interest, 5 months	\$205,000
Buildings	33,000
Legal fees	45,000
Engineering costs	4,500
Miscellaneous	57,500
Operating costs, 3 months	556,487

To meet these expenses, Kare-Kim relies upon \$4,124,354, itemized as follows:

Existing capital	\$8,359
New capital, stock subscription from Mr. Donald L. Haney	2,500
Note receivable from Mr. H. Van Arnem	13,495
Note receivable from John C. Kingsbury & Co.	4,100,000

4. Analysis of this financial data leads to the following determinations:

(a) Since Mr. Haney did not submit a balance sheet, we cannot determine whether he possesses sufficient net liquid assets to meet his commitment. See Form 301, Section III, page 3, Item 4(b).

(b) The balance sheet submitted by Mr. Van Arnem was dated June 30, 1978, which is at least one year from the date the application was filed. Since Mr. Van Arnem has not provided a current balance sheet, we cannot conclude that he has sufficient net liquid assets to meet his commitment to Kare-Kim. See Form 301, Section III, page 3, Item 4(b).

(c) The commitment letter from the investment banker, John C. Kingsbury and Co., indicates that it does not intend to invest in applicant's proposal. Rather, Kingsbury states that it has obtained expressions of interest in funding that proposal from other investors. However, there is no information specifying who the potential investors will be and their ability to provide funds to the applicant. Therefore, we cannot conclude that the Kingsbury funds are available.

In light of this analysis, we conclude that Kare-Kim has shown the availability of only \$8,359 to meet his initial costs, estimated at \$901,487. Accordingly, an appropriate financial issue will be specified to determine whether applicant has an additional \$893,128 to finance its construction and operation cost for three months.

Benko Broadcasting Company

5. The financial data submitted by Benko Broadcasting Company (Benko), Lansing, Michigan, reveals that at least \$144,700 will be required to construct and operate the proposed station for three months, itemized as follows:

Equipment, cash purchase	\$97,050
Land	0
Buildings	13,000
Legal fees	0
Engineering and installation costs	12,000

Miscellaneous	1,000
Operating costs, 3 months	21,650

6. Applicant indicates that it will incur no costs for land acquisition. Generally, there are three situations in which a no-cost assessment would be plausible: (1) when the applicant owns the land; (2) when, under a land-lease agreement, no payments are due during the first three months of operations; and (3) when land costs have been pre-paid. Benko has failed to provide information documenting any of the above circumstances. Therefore, we cannot determine whether or not Benko will incur land acquisition expenses and if so, the cost of acquiring that land. Accordingly, an appropriate issue will be specified.

7. Applicant also has indicated that it will incur no legal costs in prosecuting its application. Since Benko is herein designated for a comparative hearing, an appropriate issue will be specified to determine whether Benko has provided an accurate projection for legal expenses and if not, the cost of the legal services involved.

8. Since applicant's land acquisition and legal services costs have not been established, the total cost figure for applicant's proposal cannot be determined. Accordingly, a limited financial issue will be specified to determine the total cost figure for applicant's construction and operation costs for three months.

9. To meet the proposed expenses, Benko relies upon \$220,000, as itemized as follows:

New capital, subscription agreements from Messrs. George and Robert Benko	\$10,000
Loans from Messrs. George and Robert Benko	60,000
SBA loan	150,000

Analysis of this data leads to the following determinations:

(a) Examination of the balance sheets submitted by George and Robert Benko indicates that only George Benko possesses sufficient net liquid assets to meet his subscription (\$5,000) and loan (\$30,000) commitments to the applicant. Robert Benko's balance sheet does not segregate liabilities into current and long-term items, nor does it provide data concerning the marketability of securities. See Form 301, Section III, page 3, Item 4(b). Therefore, we cannot determine that he has sufficient net liquid assets to meet his commitments.

(b) Applicant has provided no information documenting the viability and terms of the SBA loan. Therefore, we cannot conclude that these funds will be available to the applicant.

In light of this analysis, we conclude that Benko has shown the availability of only \$35,000 to meet its estimated costs, which have yet to be determined. See paragraph 9 above. Accordingly, an appropriate financial issue will be specified to determine whether applicant has sufficient funds to meet its initial expenses.

10. Question and Answer 11 of the *Primer on Ascertainment of Community Problems by Broadcast Applicants (Primer)*, 27 F.C.C. 2d 650, 663 (1971), states that, in the case of a new applicant, consultations with community leaders must be made by principals, management-level employees, or prospective management-level employees. Applicant may use a professional research service for the general public survey. Benko has failed to indicate who conducted its ascertainment surveys. Therefore, we cannot determine whether applicant has complied with the *Primer*. Accordingly, an appropriate issue will be specified.

11. Applicants seeking authority to construct a commercial television station are required to afford equal employment opportunity to all qualified persons. See Section 73.2080 of the Commission's Rules. Pursuant to this requirement, an applicant who proposes to employ five or more full-time station employees must establish a program of practices to assure equal employment opportunity for women. Applicant must also establish a similar program for minority groups, unless those groups are represented in the area in such insignificant numbers that such program would be meaningless. Although Benko intends to employ at least five full-time employees, it has failed to submit its proposed equal employment opportunity program for women and minority groups. In the alternative, Benko has failed to demonstrate that there is an insignificant number of minority groups in the Lansing area and that an EEO program would be ineffective. Therefore, we cannot conclude that Benko has complied with the requirements described above. Accordingly, an appropriate issue will be specified.

Conclusion and Order

12. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since these applications are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

13. Accordingly, it is ordered, That, pursuant to Section 309(e) of the Communications Act of 1934, as amended, the above-captioned

applications are designated for hearing in a consolidated proceeding, to be held before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine, with respect to Kare-Kim Broadcasting Company, Inc.:

(a) whether broadcast equipment is available to applicant and, if not, the effect thereof on the applicant's qualifications;

(b) whether it has an additional \$893,128 available to meet the estimated construction and three-month operational costs; and

(c) whether, in light of the evidence adduced pursuant to the foregoing issue, applicant is financially qualified to construct and operate as proposed.

2. To determine, with respect to Benko Broadcasting Company:

(a) the land acquisition and legal services costs;

(b) in light of the evidence adduced above, the total cost estimate for construction and three-month operational costs;

(c) the availability of financial resources to meet the estimated construction and three-month operational costs;

(d) whether, in light of the evidence adduced pursuant to the foregoing issues, applicant is financially qualified to construct and operate as proposed;

(e) whether applicant has complied with Question and Answer 11 of the *Primer*;

(f) whether applicant has complied with the requirements specified in § 73.2080 of the Commission's Rules and FCC Form 301, Section VI; and

(g) whether, in light of the evidence adduced pursuant to the foregoing issues, applicant is qualified.

3. To determine which of the proposals would, on a comparative basis, better serve the public interest.

4. To determine, in light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

14. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein shall, pursuant to § 1.221(c) of the Commission's Rules, in person or by attorney, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and to present evidence on the issues specified in this Order.

15. It is further ordered, That the applicants herein shall, pursuant to Section 311(a)(2) of the Communications Act of 1934, as amended, and § 73.3594

of the Commission's Rules, give notice of the hearing (either individually or, if feasible and consistent with the Rules, jointly) within the time and in the manner prescribed in such Rule, and shall advise the Commission of the publication of such notice as required by § 73.3594(g) of the Rules.

Federal Communications Commission,
Larry D. Eads,
Acting Chief, Broadcast Facilities Division,
Broadcast Bureau.

[FR Doc. 81-12835 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

[Report No. 1282]

Petitions for Reconsideration of Actions in Rulemaking Proceedings

April 24, 1981.

The following listings of petitions for reconsideration filed in Commission rulemaking proceedings is published pursuant to 47 CFR 1.429(e). Oppositions to such petitions for reconsideration must be filed by May 14, 1981. Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of Parts 2, 81 and 83 of the Commission's Rules to Allocate Spectrum for an Automated Inland Waterways Communications System (IWCS) along the Mississippi River and Connecting Waterways and Maritime Mobile Radio Services: Improvement in Service Through Provision for Automated VHF Common Carrier Systems and, VHF Frequency Assignments to the Maritime Radio Services in the New Orleans and Lower Mississippi Rivers Areas and on the coastline of the contiguous states. (Gen Docket No. 80-1, RM's 3101, 3128 & 3129)

Filed by: Richard F. Swify, Attorney for Mid-America Television Company (KRCG-TV) on 4-8-81. John M. Ballenger, Attorney for WJG Telephone Company on 4-8-81. Jeremlah Courtney & Jack R. Smith, Attorneys for River Communications, Inc. on 4-10-81. Martin W. Bercovici, Attorney for Waterway Communications System, Inc. on 4-9-81. (Petition for Clarification)

Subject: Amendment of Section 73.202(b), Table of Assignments, FM Broadcast Stations. (Auburn, Maine) (BC Docket No. 80-204, RM-3421).

Filed by: Alan C. Campbell, Attorney for Guy Gannett Broadcasting Services (WGAN-AM-FM) on 4-3-81.

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 81-12837 Filed 4-28-81; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL MARITIME COMMISSION

Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for review and approval, if required, pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10423; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 11, 1981. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Agreement No. T-3909-A-1.

Filing party: Richard L. Lande, Deputy, Offices of the City Attorney of Long Beach, Harbor Administration Building, P.O. Box 570, Long Beach, California 90801.

Summary: Agreement No. T-3909-A-1, between the City of Long Beach (City) and Orient Overseas Container Line Limited (Assignee), provides for the assignment of two 40-long ton Paceco MACH portainers originally assigned under Agreement No. T-3990-A, which the parties mutually agree are available and usable for Assignee's permitted uses, prior to the effective date of Agreement No. T-3909-A. The term of the agreement commences upon the latest of: (a) its approval by the Commission; (b) the date Assignee accepts the cranes as ready to use under this agreement after City has accepted the cranes as complete under the contract with Paceco, Inc.; or (c) on June 1, 1981. The

agreement shall terminate ten years thereafter, or upon the earlier purchase of the cranes by Assignee in accordance with the provisions of the agreement. Except as expressly amended, all terms and conditions of Agreement No. T-3909-A shall remain in force and effect.

Agreement No. T-3964.

Filing party: J. L. Haskell, Deputy Port Director, Port of Milwaukee, 500 N. Harbor Drive, Milwaukee, Wisconsin 53202.

Summary: Agreement No. T-3964, between the Port of Milwaukee (Port) and Tanco Terminals, Inc. (Tanco), provides for the lease by Port to Tanco of a ten-acre parcel of land on the South Harbor Tract in the Port of Milwaukee for use as a bulk cargo handling facility. As compensation, Tanco will pay Port a monthly rental of \$5,747.50, a monthly charge of 10¢ per long ton of cargo handled, and monthly wharfage charges based on prevailing Port tariff rates. The initial term of the lease is for two years with one three-year renewal option and four subsequent five-year renewal options.

Agreement No. T-3966.

Filing party: William H. Vaughan, Jr., Grimbail, Cabaniss, Vaughan & Robinson, 39 Broad Street, Charleston, South Carolina 29402.

Summary: Agreement No. T-3966, among the South Carolina State Ports Authority (the Authority), Charleston County (County) and Alumax of South Carolina, Inc. (Alumax), provides for the financing and operation of bulk terminal facilities at the Port of Charleston, South Carolina. Under the agreement, County will issue revenue bonds in the amount of \$16,000,000 to finance the cost of acquiring the facility from Alumax, which will be responsible for the operation and maintenance of the facility subject to the jurisdiction of the Authority. As compensation for promotion of the facilities, Alumax will pay the Authority a fee in the amount of 80 percent of dockage charges collected by Alumax for use of the facilities; and will retain will wharfage, line handling, service and facility charges, storage and other charges.

Agreement No. T-3968.

Filing party: John W. Angus, Esquire, Preston, Thorgrimson, Ellis & Holman, Suite 500, 1776 G Street NW., Washington, D.C. 20006.

Summary: Agreement No. T-3968 is a terminal lease agreement between the Port of Seattle (Port) and American President Lines, Ltd. (APL), and provides for the Port's lease to APL of approximately 47 acres of terminal land and APL's preferential use of three (3) cranes at Terminal 46 in the Port of Seattle. The premises will be used for the loading and discharging of APL and Johnson ScanStar vessels. APL will compensate the Port for the lease of the premises and cranes according to a rental schedule as mutually agreed to and appended to the agreement. The term of the agreement is 20 years.

Agreement No. T-3968 will supersede and terminate the presently effective lease between these parties, covered by Agreement No. T-2840. By Order of the Federal Maritime Commission.

Dated: April 23, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12838 Filed 4-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 2055-R]

Anthony Transportation Service, Inc.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Anthony Transportation Service, Inc., 719 Bradfield Rd, Houston, Texas 77060 was cancelled effective April 23, 1981.

By letter dated April 3, 1981, Anthony Transportation Service, Inc. was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 2055-R would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Anthony Transportation Service, Inc. has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 2055-R be and is hereby revoked effective April 23, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 2055-R issued to Anthony Transportation Service, Inc. be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Anthony Transportation Service, Inc.

Daniel J. Connors,

Director, Bureau of Certification & Licensing.

[FR Doc. 81-12898 Filed 4-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Independent Ocean Freight Forwarder License No. 423]

Preston J. Ellis, d.b.a. Ellis Forwarding Co.; Order of Revocation

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in

force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4 further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

The bond issued in favor of Preston J. Ellis, d.b.a. Ellis Forwarding Company, 8561 Long Point Road, Houston, Texas 77055 was cancelled effective March 20, 1981.

By letter dated February 23, 1981, Preston J. Ellis, d.b.a. Ellis Forwarding Company was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder No. 423 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission.

Preston J. Ellis, d.b.a. Ellis Forwarding Company has failed to furnish a valid bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 201.1 (Revised), section 5.01(d) dated August 8, 1977;

Notice is hereby given, that Independent Ocean Freight Forwarder License No. 423 be and is hereby revoked effective March 20, 1981.

It is ordered, that Independent Ocean Freight Forwarder License No. 423 issued to Preston J. Ellis, d.b.a. Ellis Forwarding Company be returned to the Commission for cancellation.

It is further ordered, that a copy of this Order be published in the Federal Register and served upon Preston J. Ellis, d.b.a. Ellis Forwarding Company.

Daniel J. Connors,

Director, Bureau of Certification and Licensing.

[FR Doc. 81-12899 Filed 4-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 81-26; Agreement No. 10247-3]

Australian Loading Expense Agreement; Correction

The Commission's Order to Show Cause in this proceeding, served April 13, 1981 and published at 46 FR 22264, April 16, 1981, inadvertently failed to indicate that Commissioner Daschbach believes the Agreement is subject to the Shipping Act, 1916 and would vote to approve it.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12913 Filed 4-28-81; 8:45 am]

BILLING CODE 6730-01-M

[Fact Finding Investigation No. 12]

Bloc Voting by Conference Members in the United States Pacific Trades

On January 16, 1981, the Commission conditionally approved certain Japanese flag space charter and revenue pooling agreements [Agreements Nos. 9718-7, 9731-8, 9835-5, 9975-7, 10116-4 and 10274-1]. *Order of Conditional Approval*, January 16, 1981. Carriers who had protested approval of those agreements argued, among other things, that the Japanese lines comprise a joint service and should be restricted to a single vote in conferences. According to the protesting carriers, the six Japanese carriers vote together in order to carry out the objectives of their agreements, and that by so doing they are able to block many conference decisions and deprive other carriers of a fair say in conference matters. The Japanese carriers replied that no specific voting patterns emanate from their agreements. See *Order of Conditional Approval*, *supra* at 7-9.

The Commission concluded that whether alleged bloc voting occurred to the detriment of other conference carriers was not relevant to the issue of approval or disapproval of the agreements at issue. However, we went on to say that, in order to ascertain the existence, nature and extent of this alleged bloc voting and its impact on conference agreements, the Commission will institute a fact finding investigation by separate order. *Id.* at 19, 21.

Therefore, it is ordered, That pursuant to sections 21, 22 and 27 of the Shipping Act, 1916 and section 214(a) of the Merchant Marine Act of 1936, a nonadjudicatory investigation is hereby instituted into the existence, nature, extent, and impact, if any, of bloc voting by conference members in the United States Eastbound and Westbound Pacific Trades; and whether such practices, if they have occurred, have allowed certain carriers to exercise a disproportionate and/or detrimental influence over conference activities; said investigation to be conducted pursuant to the Commission's rules of practice and procedure, 46 CFR 502.281-291.

It is further ordered, That the Investigative Officer shall be Mr. Paul J. Kaller of the Commission. Mr. Kaller shall direct the investigation and shall be assisted by such staff members as he may designate.

The Investigative Officer shall have the full authority of the Commission to hold public or nonpublic sessions, to resort to all compulsory processes authorized by law (including the

issuance of subpoenas), to administer oaths and to perform such other duties as may be necessary in accordance with the laws of the United States and the regulations of the Commission;

It is further ordered, That any persons having an interest and desiring to participate in this proceeding, shall file a statement with the Investigative Officer, describing their interest on or before June 10, 1981;

It is further ordered, That the Investigative Officer shall issue to the Managing Director interim progress reports every three months and a final report of findings and recommendations no later than one year after publication of this Order in the Federal Register, all such reports to remain confidential unless and until the Commission rules otherwise; and

It is further ordered, That Notice of this Order be published in the Federal Register.

By the Commission, April 22, 1981.

Joseph C. Polking,

Acting Secretary.

[FR Doc. 81-12914 Filed 4-28-81; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Bank Holding Company; Notice of Proposed de Novo Nonbank Activities

The bank holding company listed in this notice has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(1) of the Board's Regulation Y (12 CFR 225.4(b)(1)), for permission to engage *de novo* (or continue to engage in an activity earlier commenced *de novo*), directly or indirectly, solely in the activities indicated, which have been determined by the Board of Governors to be closely related to banking.

With respect to the application, interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interest, or unsound banking practices." Any comment on the application that requests a hearing must include a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating

how the party commenting would be aggrieved by approval of that proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank indicated for the application. Comments and requests for hearings should identify clearly the specific application to which they relate, and should be submitted in writing and received by the appropriate Federal Reserve Bank not later than May 20, 1981.

Federal Reserve Bank of San Francisco (Harry W. Green, Vice President) 400 Sansome Street, San Francisco, California 94120;

Imperial Bancorp. Inglewood, California (data processing and management consulting activities; New England, New York and Delaware); to engage de novo through a second tier subsidiary, **Imperial Data Resources Northeast, Inc.** (the "Company"), in the activities of providing bookkeeping or data processing services and storing and processing other banking, financial, or related economic data and management consulting advice to nonaffiliated banks. The Company will be substantially owned and controlled by a wholly-owned subsidiary of Imperial Bancorp, **Imperial Data Resources, Inc.** ("IDR"). The Company does not intend to sell excess computer time. The activities proposed to be engaged in by IDR and the Company will be marketed by another subsidiary, **Imperial Automation, Inc.** ("IA").

Imperial Data Resources, Inc. activities are head-quartered and the executive offices are located in Inglewood, California. The Company's activities will be conducted throughout the States of Connecticut, New Hampshire, Vermont, Maine, Massachusetts, New York, Rhode Island and Delaware, from an office located in Needham, Massachusetts. IA will conduct its activities from offices located in Costa Mesa, California; San Francisco, California; Chicago, Illinois; Baltimore, Maryland; and Atlanta, Georgia.

B. Other Federal Reserve Banks:
None.

Board of Governors of the Federal Reserve System, April 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12821 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

Capital Bancorp.; Formation of Bank Holding Company

Capital Bancorp., North Bay Village,

Florida, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring at least 51 percent of the voting shares of Capital Bank, North Bay Village, Florida. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12819 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

Delaware Bancshares, Inc.; Formation of Bank Holding Company

Delaware Bancshares, Inc., Jay, Oklahoma, has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of The Delaware County Bank, Jay, Oklahoma. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than May 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12820 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

First Baird Bancshares, Inc.; Formation of Bank Holding Company

April 23, 1981.

First Baird Bancshares, Inc., Baird, Texas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of The First National Bank of Baird, Baird, Texas. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12822 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

First Glen Bancorp, Inc.; Formation of Bank Holding Company

First Glen Bancorp, Inc., Glens Falls, New York, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 percent of the voting shares of the (voting shares of the successor by merger to The First National Bank of Glens Falls, Glens Falls, New York. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be

received not later than May 21, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 22, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12823 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

Guaranty State Holding; formation of Bank Holding Company

Guaranty State Holding Company, St. Paul, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act 912 U.S.C. 1842(a)(1) to become a bank holding company by acquiring 96.7 percent or more of the voting shares of Guaranty State Bank of St. Paul, St. Paul, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than May 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12824 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

National Bancshares Co. of Texas; Proposed Acquisition of National Bancshares Life Insurance Co.

National Bancshares Corporation of Texas, San Antonio, Texas, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire voting shares of National Bancshares

Life Insurance Company, San Antonio, Texas.

Applicant states that the proposed subsidiary would engage in the activity of underwriting credit life, accident and health insurance. These activities would be performed from offices of Applicant's subsidiary in San Antonio, Texas, and the geographic areas to be served are the areas surrounding San Antonio, Eagle Pass, Houston, Kerrville and Universal City, Texas. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than May 20, 1981.

Board of Governors of the Federal Reserve System, April 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12825 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

United Bancshares, Inc.; Formation of Bank Holding Company

United Bancshares, Inc., Chattanooga, Tennessee, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 100 per cent of the voting shares of the successor by merger to United Bank of Chattanooga, Chattanooga, Tennessee. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than May 20, 1981. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Board of Governors of the Federal Reserve System, April 21, 1981.

D. Michael Manies,

Assistant Secretary of the Board.

[FR Doc. 81-12826 Filed 4-28-81; 8:45 am]

BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[F-81-6]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the Delaware Public Service Commission involving the application of the Diamond State Telephone Company for an increase in rates for telecommunications services.

2. *Effective date.* This delegation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the Federal executive agencies before the Delaware Public Service Commission involving the application of the Diamond State Telephone Company for an increase in rates for telecommunications services. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies,

procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 20, 1981.

Ray Kline,

Acting Administrator of General Services.

[FR Doc. 81-12937 Filed 4-29-81; 8:45 am]

BILLING CODE 6820-25-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Fort Union Regional Coal Team Meeting

AGENCY: Bureau of Land Management, Department of the Interior.

ACTION: Notice of Fort Union Regional Coal Team Meeting.

SUMMARY: Pursuant to the responsibilities set forth in 43 CFR 3400.4(b), the Montana State Office is issuing this notice to announce a Fort Union Regional Coal Team meeting on May 28, 1981, in the Large Hearing Room in the North Dakota State Capitol Building in Bismarck, North Dakota. The meeting will begin at 8:30 a.m. There are two main topics on the agenda:

1. The Coal Team will discuss the public comment on the Department of Energy production goals, and, using this and other information, they will establish a preliminary leasing target (or range of targets) to be recommended to the Secretary of the Interior.

2. The Coal Team will also discuss and approve a list of subfactors that will be used in the ranking of coal tracts. After receiving Coal Team approval, the subfactors will be issued for public comment.

The public is welcome to attend. There will be time for questions and comments from the public.

FOR FURTHER INFORMATION CONTACT: Mr. Bill Frey, Branch of Environmental Coordination, Bureau of Land Management, P.O. 30157, Billings, Montana 59107, telephone FTS: 8-585-6632, Com: 406-657-6632.

Michael J. Penfold,

State Director.

April 22, 1981.

[FR Doc. 81-12759 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

[Serial No. I-15324]

Idaho; Proposed Withdrawal Continuation

The Bureau of Land Management has filed a statement of justification for

continuation of an existing land withdrawal made by Public Land Order 3543 of February 11, 1965. The Bureau desires to continue the withdrawal in its entirety for a period of 20 years. The continuation would be made pursuant to the authority contained in Section 204(L) of the Federal Land Policy and Management Act of October 21, 1976 (90 Stat. 2754; 43 U.S.C. 1714). The following described land is included in the proposed continuation:

Boise Meridian, Idaho

(I-15324), Public Water Reserve #83, Executive Order of April 15, 1922

T. 11 S., R. 3 E.,

Sec. 24, SW¼NW¼, NW¼SW¼.

T. 11 S., R. 4 E., Lot 3.

The area described aggregates 120.84 acres in Owyhee County, Idaho.

The land is segregated from operation of the public land laws, including location for non-metalliferous minerals under the mining laws. It is otherwise open to the mining and mineral leasing laws. No change in the segregative effect of the withdrawal is proposed.

Notice is hereby given that an opportunity for a public hearing is afforded in connection with the proposed withdrawal continuation. All interested persons who desire to be heard on the proposal must submit a written request for a hearing to the undersigned officer on or before May 29, 1981. Upon determination by the State Director, Bureau of Land Management, that a public hearing will be held, a notice will be published in the *Federal Register* giving the time and place of such hearing. In lieu of or in addition to attendance at a scheduled public hearing, written comments or objections to the proposed withdrawal continuation may be filed with the undersigned officer on or before May 29, 1981.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the land and its resources. He will review the withdrawal justification to insure that continuation would be consistent with the statutory objectives of the programs for which the land is dedicated, the area involved is the minimum essential to meet the desired needs, the maximum concurrent utilization of the land is provided for, and an agreement is reached on the concurrent management of the land and its resources. He will also prepare a report for consideration by the Secretary of the Interior, the President and Congress, who will determine whether or not the withdrawal will be continued

and, if so, for how long. The final determination on continuation of the withdrawal will be published in the *Federal Register*. The existing withdrawal will continue until such final determination is made.

All communication in connection with this proposed withdrawal continuation should be addressed to the Chief, Branch of Lands and Minerals Operations, Bureau of Land Management, Federal Building, Box 042, Boise, Idaho 83724.

Vincent S. Strobel,

Chief, Branch of L&M Operations.

[FR Doc. 81-12757 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Intent To Prepare an Environmental Impact Statement on a Coal-Fired Steam/Electric Power Generating Plant Proposed by Sierra Pacific Power Co. on Lands in Northeastern Nevada

The Bureau of Land Management, Nevada State Office, will be preparing an Environmental Impact Statement (EIS) on the impacts of a proposed coal-fired steam/electrical power generating plant proposed by Sierra Pacific Power Co. (SPPCo) on public and private lands in northeastern Nevada. It is intended that the new electrical capacity will supplement, and reduce utilization of, existing capacity that is fueled by oil and/or natural gas. The new plant will reduce dependence on imported fuels, reduce and stabilize that part of the cost of electricity which is dependent on the energy source, and it will serve the increasing demands for power in Northern Nevada, and other areas served by participating utilities.

The site for the proposed plant was identified in a statewide study conducted to locate potential plant sites. In the study, several sites were identified as being environmentally and technically satisfactory for power plant development. Final site selection was based on SPPCo's ability to acquire both the land and the water needed for the project.

The proposal includes the construction of three (3) 500 megawatt generating units near Toano Draw in the Thousand Springs Valley, Elko County, Nevada. Coal will be supplied for reserves or existing mines in Utah, Wyoming, or Colorado, although no commitment to any specific source has been made at this time. The plant site is located near the mainline of the Southern Pacific Railroad. It is planned that a new rail spur will be constructed to connect to the Southern Pacific

Railroad and that coal will be delivered to the plant site by rail. The plant site is located in an area where air quality is considered good. A monitoring program to document existing air quality and site specific meteorological conditions is presently underway. The plant will be a net consumer of water. Water rights associated with SPPCo's recently acquired land holdings in the Thousand Springs Valley will be utilized for providing the plant's water requirements.

Construction of the three units will continue over about an eight year period starting in 1985, with full operation scheduled for 1993. It is estimated that the peak labor force for construction will be about 2500 persons, and that for years two through seven the project construction labor force will average about 2200 persons. When all three units are operational, it is expected that the plant will require about 200 full time employees. Transmission corridors and terminals for distributing power from the proposed project have not been finally identified at this time, primarily because contractual arrangements with participating utilities are still being negotiated. Sierra Pacific Power Company plans to use existing and identified energy corridors within Nevada to the maximum practical extent for serving the proposed project. Transmission corridors extending beyond Nevada, if identified as project related facilities, will be included in the project impact assessments.

The proposed project will be constructed in a sparsely populated area, and most of the project work force must be assembled from beyond reasonable commuting distances. Project planning includes providing living accommodations for workers in the project vicinity.

Alternatives to the proposed action that are being considered for analysis include: (1) No action, (2) Ultimate plant capacity, (3) Scheduling of units, (4) Transmission line routes, (5) Location of worker accommodations and (6) Power plant sites.

The Bureau of Land Management's scoping process for the EIS will include: (1) identification of issues to be addressed; (2) Identification of additional viable alternatives; (3) Notifying interested individuals, groups, and agencies so that additional information concerning these issues can be obtained; and (4) Identification of persons within BLM who can answer questions about the proposed action and alternatives.

The following steps will be utilized to accomplish the scoping process:

—A news release regarding the start of the EIS process will be issued.

—Letters of invitation to participate in the scoping process will be mailed.

—A scoping document which further clarifies the proposal, alternatives, and significant issues being considered will be mailed to selected parties and available upon request.

—Three public scoping meetings will be held as follows:

7 p.m., May 11, 1981, Wells High School Auditorium, Wells, NV

7 p.m., May 12, 1981, Stockman Hotel, Elko, NV

7 p.m., May 13, 1981, El Dorado Hotel, Reno, NV

—A formal briefing will be held between the Bureau of Land Management and the Nevada State Clearinghouse at 1:30 p.m. on May 8, 1981.

—Additional briefing meetings will be considered if requested.

—The following individuals will be available during the scoping period to answer questions about the proposed action and/or to receive information concerning the EIS:

Ed Tilzey, Environmental Protection Specialist, Room 3145, Federal Building, 300 Booth Street, Reno, NV 89520. Phone: (702) 784-5002

Monte McClendon, District Environmental Specialist, Elko, NV. Phone: (702) 738-4071

Written comments will be accepted until May 27, 1981. Comments should be sent to the State Director (N-921), Bureau of Land Management, P.O. Box 12000, 300 Booth Street, Reno, Nevada 89520.

Dated: April 15, 1981.

John L. Gregg,

Acting State Director, Nevada.

[FR Doc. 81-12618 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

(INT FES 81-19)

Utah; Availability of Final Environmental Impact Statement on Proposed Moon Lake Powerplant Project

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability of Final Environmental Impact Statement.

SUMMARY: Pursuant to section 102(2)(C) of the Environmental Policy Act of 1969, the Department of the Interior, Bureau of Land Management (BLM), and the Department of Agriculture, Rural Electrification Administration (REA), have prepared a Final Environmental Impact Statement for the proposed Moon Lake Power Plant Project, Units 1

and 2, Uintah County, Utah. The Forest Service (FS) and the Office of Surface Mining (OSM) have assisted in the preparation of the EIS.

All four of the above Federal agencies will use the EIS as input to decisions on these requested actions:

BLM—Issue rights-of-way and other land use authorizations for powerplant site and linear facilities.

REA—Provide financing assistance for Unit 1 project.

FS—Issue rights-of-way and other land use authorizations for transmission lines.

OSM—Approve mine plan for Deserado Coal Mine in Rio Blanco County, Colorado.

DATE: Federal decisions will be made following a waiting period of 30 days from the date that the Environmental Protection Agency Notice of Availability for the Moon Lake Power Plant Project Final EIS is published in the Federal Register. This waiting period is expected to end on or about June 1, 1981.

ADDRESS: Notice is hereby given that written comments on the content of the final EIS may be submitted during the 30-day waiting period as noted above. Comments on the final EIS should be directed to:

State Director (U-910), Utah State Office, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111, or

Administrator, Rural Electrification Administration, South Agriculture Bldg., Room 5831, Washington, D.C. 20250.

Comments relating to the coal mine (mining and reclamation plan) can be submitted also to the Regional Director, OSM, Region V, 1020 15th Street, Denver, Colorado 80202.

FOR FURTHER INFORMATION CONTACT:

Gregory F. Thayne, Team Leader, Bureau of Land Management, 136 East South Temple, Salt Lake City, Utah 84111, Telephone (801) 524-5645, FTS 588-5645, or

Frank Bennett, Director, Power Supply Division, USDA-REA, South Agriculture Bldg., Room 5831, Washington, D.C. 20250, Telephone (202) 447-6183, FTS 447-6183, or

Floyd L. Johnson, Office of Surface Mining, 1020 15th Street, Denver, Colorado 80202, Telephone (303) 837-5656, FTS 327-5656.

SUPPLEMENTARY INFORMATION: The EIS addresses the proposal by Deseret Generation and Transmission Cooperative (Deseret) to construct two 400 megawatt (MW) generating units northwest of Bonanza, Utah, in Uintah

County; and by Western Fuels-Utah, Inc., to develop and operate an underground coal mine northeast of Rangely, Colorado.

The proposal includes piping of up to 17,470 acre-feet of water over approximately 19 miles from a collector well system located beside the Green River to the Bonanza site. The project would require up to 2.7 million tons of coal annually. Coal would be delivered to the site by a 35-mile-long electric railroad from the proposed underground coal mine.

The electricity generated by Unit 1 of the plant would be distributed by one 345-kilovolt (kV) alternating current (a.c.) transmission line to a proposed substation near Mona, Utah, in Juab County, and by three 138-kV a.c. lines to existing substations near Upalco, Utah, in Duchesne County; Vernal, Utah, in Uintah County; and Rangely, Colorado, in Rio Blanco County. With the future construction of Unit 2, a second 345-kV line would be built from the plant site to the existing UP&L Ben Lomond substation near Ogden, Utah, or to the oil shale fields in Utah and Colorado depending upon power demands. Several alternatives, including the approval of the proposed power plant and coal mine, approval of an alternative Rangely powerplant site, use of alternative coal sources, a variety of transmission line routes, and "no action" are discussed in the EIS.

The EIS, along with all comments received, will be considered in the Federal decision process. Decisions on use of public lands will be made by the BLM Director, decisions on loan guarantees will be made by the REA Administrator, decisions on use of National Forest lands will be made by the FS Regional Forester, and decisions on the coal mining and reclamation plan will be made by the Secretary of the Interior or his delegate.

Because the final EIS incorporates by reference material not reprinted from the draft EIS, both documents are needed for complete EIS information. A limited number of copies of the draft and final EIS are available on request. Copies of the final EIS may be obtained or reviewed at all addresses identified in the preceding information, as well as these additional locations:

Washington Office (W-332), Bureau of Land Management, 18th and C Streets, NW., Washington, D.C. 20240

Richfield District Office, Bureau of Land Management, 150 East 900 North, Richfield, Utah 84701

Craig District Office, Bureau of Land Management, 455 Emerson, Craig, Colorado 81625

Vernal District Office, Bureau of Land Management, 170 South 5th East, Vernal, Utah 84078

Colorado State Office, Bureau of Land Management, 1600 Broadway, Room 700, Denver, Colorado 80202

Ed Hastey,

Acting Director, Bureau of Land Management,
April 23, 1981.

Cecil S. Hoffmann,

Special Assistant to Assistant Secretary,
Policy, Budget, and Administration.

[FR Doc. 81-12812 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Environmental Assessment Regarding Proposed Outer Continental Shelf Oil and Gas Lease Sale in the Eel River Basin

The Bureau of Land Management, pursuant to 40 CFR Part 1501.3, has prepared an Environmental Assessment which evaluates the potential impacts of oil and gas leasing, exploration, and development on 30 tracts on the Outer Continental Shelf in the Eel River Basin, offshore Humboldt County, California. These 30 tracts are included in the proposal known as Proposed OCS Oil and Gas Lease Sale No. 53. The Draft and Final Environmental Impact Statements for proposed OCS Sale No. 53 analyzed the potential impacts of the leasing, exploration, and development of gas resources in the Eel River Basin. However, the analysis in the Environmental Impact Statement assumed there were no economically recoverable oil resources in these tracts. In August 1980, the U.S. Geological Survey revised the resource estimates for proposed OCS Sale No. 53, indicating that economically recoverable oil resources are likely to exist in the Eel River tracts. The Secretarial Issue Document prepared for the decision on the proposed sale re-evaluated the impacts in the Eel River Basin based on the assumption that both oil and gas may be found in the Eel River tracts.

The Environmental Assessment prepared for the Eel River Basin includes information found in both the Final Environmental Impact Statement and the Secretarial Issue Document and considers the potential impacts which may result from the development of both oil and gas in the basin. It has been determined that there would be no significant environmental impacts from leasing, exploration, and development in the Eel River Basin in addition to those which have been analyzed in the Sale No. 53 Environmental Impact Statement and this Environmental Assessment for the Eel River Basin.

The Environmental Assessment is being made available to the public for review and comment. Copies may be obtained by contacting the Manager, Pacific OCS Office, Bureau of Land Management, 1340 W. 8th Street, Los Angeles, California 90017, or the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240. Comments should be addressed to Director (542), Bureau of Land Management, Washington, D.C. 20240, and should be submitted on or before May 29, 1981.

Arnold E. Petty,

Acting Director, Bureau of Land Management,
April 24, 1981.

[FR Doc. 81-12843 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Idaho Falls District Grazing Advisory Board Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that the Idaho Falls District Grazing Advisory Board will meet June 4, 1981.

The Grazing Advisory Board members will convene at 8:00 a.m. at the Bureau of Land Management Office, 940 Lincoln Road, Idaho Falls, Idaho 83401, for a field tour. The tour is open to the public; anyone wishing to go on the tour is asked to notify the Idaho Falls BLM District Manager at the above address by May 27, 1981.

The purpose of the field tour is to discuss allotment management plans and survey range improvements in the allotments in the Little Lost River and Birch Creek valleys. The Advisory Grazing Board will also make arrangements for the next meeting.

Summary minutes of the Board meeting will be kept in the District Office and be available for public inspection and reproduction during regular business hours within 30 days of the Board meeting.

Dated: April 20, 1981.

O'dell A. Frandsen,
District Manager.

[FR Doc. 81-12852 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Vale District, Oreg.; Public Meeting To Discuss the Use of Helicopters in Gathering Wild Horses

AGENCY: Bureau of Land Management.

ACTION: Meeting Notice.

SUMMARY: A public meeting to discuss the use of helicopters in gathering wild horses will be held at 1:00 pm, May 22, 1981 in the Vale District Office of the

Bureau of Land Management, 365 'A' Street West, Vale, Oregon.

Horses will be gathered from the Hog Creek wild horse herd management area of the Vale District during the summer of 1981.

FOR FURTHER INFORMATION CONTACT:

Barry Rose, Bureau of Land Management, 365 'A' Street West, Vale, OR 97918, (503) 473-3144.

Dated: April 16, 1981.

Paul M. Vetterick,
Acting State Director.

[FR Doc. 12851 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Archaeological Resources; Closure of Access and Determination of Special Areas

April 22, 1981.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Closure of Public Access and Determination of Special Areas.

DECISION: Notice is hereby given relating to the closure of public access to Archaeological Resources located on lands under administration of the Albuquerque District Office, Bureau of Land Management. Public access and use of these areas will be limited to specifically authorized permits as set forth herein.

This restriction has been made in the interest of public health and safety and for the conservation, preservation and protection of public resources. This closure is made under authority contained in 43 U.S.C. 1201 and regulations contained in 43 CFR 8364.1-1.

Notice is also given that these areas have been determined to be "special areas" in accordance with provisions contained in 43 CFR 8372.0-5(g) and require special management and control measures for their protection.

An antiquities act permit as provided for in 43 CFR Part 3 is required for use of these areas. The areas are closed for any other use except that recognized educational institutions may use this area for educational purposes as long as their activities do not involve surface disturbance and with written permit of the Taos Resource Area Manager.

The area affected by this closure consist of all surface areas enclosed by boundary fences and/or access closure signs at the following named archaeological resource locations in Rio Arriba County:

Ponsipa = Akeri Pueblo—15 acres
Hupobi Pueblo—5 acres

Posi Pueblo—7 acres

These sites have been identified with signs which specify that entrance is allowed by permit only, and contain the address of the responsible Bureau of Land Management office.

The above-named sites are enclosed to public access except through authorized entry, as set forth herein. Due to the continued vandalism, littering, the destruction of some fragile features, and the increasing safety hazards present as these sites become less stable, legal closure is necessary to augment existing protective measures. Past administrative penalties have not been commensurate with the several damage to the resource. A legal closure and attendant criminal penalties will provide BLM greater flexibility in protecting these public resources.

This notice and land closure become effective upon publication in the Federal Register and will remain in effect until rescinded or modified by the State Director. Violations of this closure order are punishable upon conviction by a fine not to exceed \$1000 or imprisonment of not more than 12 months, or both.

ADDRESS: For further information about this closure, contact the following BLM Office:

L. Paul Applegate, District Manager,
Bureau of Land Management,
Albuquerque District Office, P.O. Box 6770, Albuquerque, New Mexico 87107; or

Richard C. Niemeyer, Area Manager,
Bureau of Land Management, Taos
Resource Area Office, P.O. Box 1045,
Taos, New Mexico 87571.

Charles W. Luscher,
State Director.

[FR Doc. 81-12910 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Miles City District Advisory Council Meeting

Notice is hereby given, in accordance with Pub. L. 94-579 and 43 CFR Part 1780, that a meeting of the Miles City District Advisory Council will be held on Friday, June 5, 1981 at 10:00 a.m. in the Conference Room, Powder River County Courthouse, Broadus, Montana.

Agenda for the meeting will include:

1. Coal Leasing with an update on the Powder River Coal Region.
2. Resource Management Plans.
3. Cooperative Advisory Council/Grazing Advisory Board Projects.
4. Noxious Weed Control.
5. Arrangements for the next meeting.

This meeting is open to the public. The public may make oral statements before the Council or file written statements for

the Council's consideration. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established.

Summary minutes of the meeting will be maintained in the District Office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

For further information contact:
District Manager, Miles City District,
Bureau of Land Management, P.O. Box 940, Miles City, Montana 59301.

Darrel G. Pistorius,

Acting District Manager.

[FR Doc. 81-12909 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

[Survey Group 456]

Colorado; Filing of Plats of Survey

April 21, 1981.

Plats of survey of the following described lands accepted March 17, 1981 will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado effective June 15, 1981.

Sixth Principal Meridian

T. 19 S., R. 72 W.

This plat, in four sheets, representing the dependent resurvey of the west boundary of T. 19 S., R. 71 W.; the independent resurvey of the north boundary and a portion of the subdivisional lines; the survey of the Sectional Correction Line; and the metes-and-bounds survey of Tract Nos. 39 through 51.

Sixth Principal Meridian

T. 19 S., R. 73 W.

This plat, in five sheets, representing the independent resurvey of the north and east boundaries and a portion of the subdivisional lines; the survey of the Sectional Correction Line; and the metes-and-bounds survey of Tract Nos. 37 through 48.

These surveys were executed to meet certain administrative needs of the Bureau.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202.

George C. Hinton,

Chief, Public Affairs.

[FR Doc. 81-12907 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-84-M

Realty Action Lease; Public Lands in Idaho County, Idaho

The following described lands have been examined and found suitable for lease under Section 302 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2761):

T. 29 N., R. 8 E., Boise Meridian, Sec. 33, Portion of S $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ and S $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$. Portion of N $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$. Portion of NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$. Approximately 22 acres.

A proposal has been submitted by Shearer Lumber Products, Inc. to lease the above-described lands for their use in the mill operation and to allow for expansion of the mill facilities. The involved tracts of public land are adjacent to the private land on which the mill site is presently situated. Expansion proposals would provide visitor and employee parking and a truck shop with additional parking and storage areas. Because of Shearer's valid preference right interests, the lands would not be offered for lease through bidding but would be offered for lease to the corporation at fair market value.

Shearer Lumber Products, Inc. is an important employer in the Elk City area; its continued operation and expansion significantly affect the economic and social climate there. The public lands are well situated to be adapted to the proposed uses with no significant adverse environmental impacts. The proposal is consistent with the Bureau's land use planning and does not conflict with any State or local government programs or regulations. The proposal would have no adverse effect upon the grazing lease issued on a portion of the public lands involved.

Some of the proposed uses would be located in or near the floodplain, as is the existing mill site. This existing floodplain development has not been significantly impacted by past flooding, nor has it adversely affected the floodplain function. Therefore, on the condition that new development occurs at least at the same elevation as past development, the proposed use is compatible with proper floodplain management.

For a period of 30 days from the date of this notice, interested parties may submit comments to the State Director, Idaho State Office, Boise, Idaho 83724. Any adverse comments will be evaluated by the State Director who may vacate or modify this realty action and issue a final determination. In the absence of any action by State Director,

this realty action will become the final determination of the Department of the Interior.

Dated: April 21, 1981.

Guy E. Baier,

Acting State Director.

[FR Doc. 81-12908 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-64-M

Geological Survey**Oil and Gas and Sulphur Operations in the Outer Continental Shelf, Chevron U.S.A., Inc.**

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct on Leases OCS-G 3301, 4130, 2632, and 2812, Blocks 192, 193, 236, and 237, Garden Banks Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 20, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-12705 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf; Exxon Company, U.S.A.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: Notice is hereby given that Exxon Company, U.S.A. has submitted a Development and Production Plan describing the activities it proposes to conduct on Lease OCS-G 1447, Block 21, West Delta Area, offshore Louisiana.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9 a.m. to 3:30 p.m., 3301 North Causeway Blvd., Metairie, Louisiana 70002, Phone (504) 837-4720, Ext. 226.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 20, 1981.

Lowell G. Hammons, Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-12706 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-31-M

Outer Continental Shelf; Oil, Gas, and Sulphur Operations; Development and Production Plan, Chevron U.S.A. Inc.

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to

conduct on lease OCS-P 0296, San Pedro Bay, offshore California. The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the Plan and that it is available for public review at the offices of the Conservation Manager, Pacific OCS Region, U.S. Geological Survey, 1340 West Sixth Street, Room 160, Los Angeles, California 90017.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records Room 160, open weekdays 8:30 a.m. to 3:00 p.m., 1340 West Sixth Street, Los Angeles, California 90017, Phone (213) 688-2846.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in Development and Production Plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Reid T. Stone,

Acting Conservation Manager, Pacific OCS Region.

[FR Doc. 81-12936 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Gulf Oil Exploration and Production Company, Unit Operator of the South Timbalier Block 135 Federal Unit, Agreement No. 14-08-001-6689, submitted on March 23, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the South Timbalier Block 135 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:30 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone (504) 837-4720, ext. 228.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised Section 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-12939 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-31-M

Oil and Gas and Sulphur Operations in the Outer Continental Shelf

AGENCY: U.S. Geological Survey, Department of the Interior.

ACTION: Notice of the Receipt of a Proposed Development and Production Plan.

SUMMARY: This Notice announces that Texaco Inc., Unit Operator of the Eugene Island Block 205 Federal Unit, Agreement No. 14-08-001-8654, submitted on February 24, 1981, a proposed supplemental plan of development/production describing the activities it proposes to conduct on the Eugene Island Block 205 Federal Unit.

The purpose of this Notice is to inform the public, pursuant to Section 25 of the OCS Lands Act Amendments of 1978, that the Geological Survey is considering approval of the plan and that it is available for public review at the offices of the Conservation Manager, Gulf of Mexico OCS Region, U.S. Geological Survey, 3301 N. Causeway Blvd., Room 147, Metairie, Louisiana 70002.

FOR FURTHER INFORMATION CONTACT: U.S. Geological Survey, Public Records, Room 147, open weekdays 9:00 a.m. to 3:00 p.m., 3301 N. Causeway Blvd., Metairie, Louisiana 70002, phone 837-4720, ext. 228.

SUPPLEMENTARY INFORMATION: Revised rules governing practices and procedures under which the U.S. Geological Survey makes information contained in development and production plans available to affected

States, executives of affected local governments, and other interested parties became effective on December 13, 1979 (44 FR 53685). Those practices and procedures are set out in a revised § 250.34 of Title 30 of the Code of Federal Regulations.

Dated: April 23, 1981.

Lowell G. Hammons,

Conservation Manager, Gulf of Mexico OCS Region.

[FR Doc. 81-12940 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-31-M

Lowell Historic Preservation Commission

Lowell Historic Preservation District and Park; Notice of Standards for Rehabilitation and Construction

AGENCY: Lowell Historic Preservation Commission, Interior.

ACTION: Notice of Standards for Rehabilitation and Construction.

SUMMARY: This notice sets forth the standards established according to 16 U.S.C. 410cc-32(e). These standards are applicable to the construction, preservation, restoration, alteration and use of all properties in the Lowell Historic Preservation District and Park in order to protect their historic integrity. The Preservation District is a 500 acre area adjacent to the Lowell National Historical Park; the Park and District contain over 750 buildings, 383 of which are nationally significant.

The City of Lowell is responsible for establishing and enforcing regulations consistent with these standards. The Commission will provide the City with technical assistance to carry out this responsibility.

This notice describes the standards for building materials and design elements for existing buildings and for new construction. Each standard is introduced by a statement of the concern it addresses.

DATE: The standards were approved January 19, 1981 by the Secretary of the Interior.

FOR FURTHER INFORMATION CONTACT: Sarah Peskin, Planning Director, Lowell Historic Preservation Commission, 204 Middle Street, Lowell, MA 01852.

SUPPLEMENTARY INFORMATION: The development of these standards is one of the Lowell Historic Preservation Commission's major responsibilities as mandated in 16 U.S.C. 410cc-410cc-36. These standards were designed specifically to protect the buildings in Lowell and are consistent with the Secretary of the Interior's "Standards

for Rehabilitation." Comprehensive inventories of historic properties in the Preservation District provided background research for the standards.

A complete discussion of the standards as they apply to the Preservation District is found in the "Preservation Plan" and "Details of the Plan." Both volumes are available from the Commission's offices at 204 Middle Street, Lowell, MA 01852.

The Standards

1. Preservation of Existing Buildings

1. E-1 Preservation vs. Demolition—General Principles.

(a) Concern: The historical richness of the District is reduced when significant buildings are fully or partially demolished. Owners may believe demolition is the only alternative.

(b) Standards:

- New development and reuse programs should be planned so that full or partial demolition of buildings in the District is not necessary.

- An incompatible use that would require demolition should be shifted to another site or portion of the site.

- Technical assistance can help owners to secure buildings against vandalism and introduce measures to prevent further physical deterioration while a reuse program is being developed.

- Soundness and reuse potential of a building should not be judged by its present appearance for this may be deceptive. Practical reuse opportunities can be determined through technical assistance.

- The retention and repair of historical elements such as woodwork, masonry and metal details (see E-4, E-5, E-6) can be more feasible than it may appear. Technical assistance should be sought before removing any building elements.

- If demolition does occur, historic building materials and details should be salvaged for possible future use in buildings of the same style and type.

2. E-2 Historic Architectural Features—General Principles.

(a) Concern: Historic buildings owe their character to the particular blend of their architectural features: scale, rhythm, form, massing and proportion. Rehabilitation should be sympathetic to these design elements.

(b) Standards:

- Original building features should whenever feasible be preserved rather than replaced.

- If features have been or must be removed, technical assistance can help ascertain the original design of the

building and determine the most appropriate techniques for replacement.

- Building complexes constructed over time, such as most of the mills, when rehabilitated, should retain the appropriate historic design characteristics of each of their components. The imposition of historically unsympathetic architectural treatments should be avoided.

- Recent remodeling that altered the appearance of an historical structure with applied veneers, or the addition of isolated building features (doors, windows, roof or cornice changes, etc.) should be corrected wherever possible to restore or approximate the original design character.

3. E-3 Historic Materials—General Principles.

(a) Concern: Historic character also comes from the use and design of construction materials. It is often thought that appropriate techniques to retard deterioration are unavailable or too expensive.

(b) Standards:

- The original materials used in a building, the technical process of repair or replacement required and the availability and cost of appropriate restoration techniques can be determined through technical assistance.

- If immediate complete restoration cannot be accomplished, the preservation of deteriorating materials should be assured through partial or temporary measures to stabilize and protect them.

- Standards for materials most commonly found in Lowell, as well as for appropriate substitute materials are listed on the following pages, covering:

- Masonry: brick, stone, mortar, stucco.

- Wood: siding, trim and replacement materials.

- Metals: iron and steel, sheet metals, contemporary metal replacements.

- Roofing Materials: membrane and built-up roofing, slate, composition shingles, sheet metal.

4. E-4 Masonry.

(a) Concern: Brick and stone masonry are easily damaged by improper cleaning and repair methods. Since these materials are common in Lowell, special care must be taken to preserve them.

(b) Standards:

- Do not abrasively blast masonry to clean and/or remove paint. Instead, clean using the gentlest means possible generally by means of an aqueous system which does not damage either the masonry unit or the mortar joints.

- Test all cleaning or paint removal methods before proceeding with the full

job to determine the gentlest means of producing acceptable results without immediate or long term negative consequences.

- Use cleaning methods which are based on these procedures: low pressure water presoaking (less than 60 psi); soft bristle brush or low pressure spray application of mild, highly diluted alkaline or acidic cleaners properly matched to the type of masonry; thorough medium pressure (less than 800 psi) rinsing of cleaning solution after a short time (usually no more than 5 minutes). Some masonry may be adequately cleaned using only the rinsing process, possibly in conjunction with soft fiber brushing.

- Remove paint with water rinsable alkali and/or solvent-based chemicals applied by brush and removed with medium pressure spray. As determined by testing, allow paint remover to remain on masonry only long enough to dissolve paint but before soaking into masonry.

- Apply coatings to stabilize deteriorated masonry only if they have been proven neither to cause more deterioration or soiling that accelerates over time nor to block the water vapor permeability of the masonry.

- Replace missing masonry units by matching the original in size, color, and texture; make new mortar joints or repair existing joints by matching the original in width and tooling.

- In the application of new mortar approximate the original in porosity, strength, elasticity, color, and texture.

- Request technical assistance if necessary to evaluate the appropriate techniques for a particular building.

- On principal facades do not coat masonry with stucco.

- Do not paint masonry that historically was not painted unless it can be proven that only such a coating will preserve the masonry.

5. E-5 Wood.

(a) Concern: Existing original woodwork is a valuable, reclaimable resource. Repair is not necessarily more costly than replacement with other materials.

(b) Standards: Caring for existing wood:

- Patch damaged or deteriorated wood with compatible wood fillers to remedy cosmetic damage.

- Strip, scrape, and/or sandpaper existing wood to prepare for repainting. Do not sandblast.

- Paint wood with historically appropriate or compatible colors.

Replacing wood when it is beyond salvage:

- Duplicate the architectural feature in the original as closely as possible.
- Use wood rather than synthetic materials.
- The use of vinyl or a aluminum siding to cover or replace wood siding is discouraged.

Infilling with new design in wood:

- Match existing profiles and moldings where historically significant material provides clues.
- Relate new design in wood to local historical examples.
- Paint wood with historically appropriate or compatible colors (see E-9 for colors)

6. E-6 Metals.

(a) Concern: Historic metal elements—functional and decorative—often have been removed, damaged or covered by later alterations. Replacement metal or substitute materials should be visually compatible.

(b) Standards:

- Cast and wrought-iron and steel; clean rusted or overpainted iron and steel with abrasive blasting before repainting while protecting adjacent materials from damage; repair or replace broken or deteriorated cast iron elements with new cast iron or other replacement materials such as cast aluminum, cast or molded plastic, wood, or weather resistant cast fillers, providing for structural sufficiency as required.

- Sheet metals: remove deteriorated or painted sheet metal elements and replace in a matching configuration with the same kind of sheet metal, compatible sheet metal or molded plastic.

7. E-7 Windows.

(a) Concern: Windows are important visual elements of historic buildings. A building's character can be ruined when windows are inappropriately repaired or replaced.

(b) Standards: Repair existing windows if the wood is sound:

- Patch or replace deteriorated wooden parts.
- Make sash operable to provide a ready means of natural ventilation by reworking sliding surfaces of sash and frame, by repairing sash cords, and by restoring or replacing hardware.
- Scrape and sandpaper in order to prepare surfaces for fresh paint.
- Repaint all window elements with oil-base primer and paint.
- For thermal protection install insulated shutters or a second layer of glazing on inside of windows to preserve the exterior character of original windows.

Replace windows only if all or major part of assembly is beyond repair:

- Reuse existing frames with new sash or install new frames which match visually the size, detail, and setback of the original.

- Fit the rough openings in exactly the same way as original windows.

- Match sash with face dimensions of original. Sash should be made with a grid of muntin bars and lights the same as the original in size and number. Avoid non-functional muntin bars.

- Match the basic structural configuration of original transoms and mullions in size and number.

- Use wood or metal with color finishes compatible with historic paint colors (E-9 Color).

- Avoid introducing inappropriate historic motifs.

8. E-8 Roofs.

(a) Concern: A roof's shape can be irreversibly damaged by the removal of towers, original slate shingles, upper stories, and other elements or by additions of inappropriate materials. Repair or replacement can be consistent with historic preservation.

(b) Standards:

- Maintain existing historic roofing material where visible from the street through spot repairs using original or matching materials.

- For coated steel maintain a regular schedule of painting to prevent corrosion.

- For slate roofs replace deteriorated slate in kind and recycle existing slate in good condition.

- If roofing has deteriorated and needs total replacement, consider the life cycle costs of roofing changes. More costly materials such as slate and certain sheet metals can be expected to last much longer than other typically used modern materials.

- If it is infeasible to retain or repair a slate roof, consider replacing it preferably with a fiber reinforced shingle or, as a last resort, a composition shingle, which approximates the variegated coloring and size of the original slates.

- If a sheet metal roof is corroded beyond repair, replace it with a matching or compatible sheet metal, avoiding the use of unfinished aluminum sheet metal. Similarly, avoid the use of this unfinished material for flashing or other roofing accessories.

- Replace concealed gable, flat or hip roofs with modern materials as necessary if preservation of historic materials is infeasible.

- Install roof solar collectors for energy savings or skylights for natural lighting where they will not be visually detrimental to the historic character of the roof.

9. E-9 Color.

(a) Concern: Paint and finishes are often applied in colors that are inconsistent with a building's style and without proper surface preparation.

(b) Standards:

• Determine the colors original to the building. Examine old paint for evidence of the historical paint finishes. Research historical records for the building. Seek technical assistance.

• Consider new colors based on the building's original colors if these can be determined. If these cannot be determined, base color scheme on historic precedents, or contemporary colors compatible in spirit with the period colors.

• Do not use strong paint strippers (chemical or mechanical) that can permanently damage the surface.

• Typical use of color:

• 1830-1860: trim-white; body—light greys, pastels, light browns.

• 1860-1895: deep earth tones or tones red, orange, yellow, green, blue, violet.

• 1895-1930: all white or light colors.

10. E-10 Interior Spaces.

(a) Concern: Many interior spaces contain finely crafted materials that are not available today. Sometimes these are hidden or removed in "modernizations" instead of being incorporated into the rehabilitation scheme.

(b) Standards:

• Determine whether an interior is significant before starting a major rehabilitation project.

• Give special attention to buildings rated A1, A2, B.

• Match new uses of the development programs to interior spaces in the buildings in a way that makes use of significant interiors with the least alteration.

• Repair and restore original materials if finishes are largely intact.

• If some decorative details are beyond both repair and practical replacement, eliminate these and simplify design by focusing on preservable details.

• If some reuse requires subdivision, wherever possible adopt part-height partitioning that allows the original spatial envelope with its shape and proportions to remain intact.

11. E-11 Doors and Egresses.

(a) Concern: Most projects require alteration or addition of egresses to meet building codes and for handicapped access. These changes do not have to damage a building's historic integrity.

(b) Standards:

• Provide new emergency egresses or retrofit existing doors to meet egress requirements in such a way that the

historic quality of the building is preserved.

- Preserve and restore historic doors and hardware wherever possible.
- Provide new vertical egress on side walls or on rear elevations of the building out of public view.
- Provide ramps for handicapped access in places other than main historic entrances and/or in a way which does not substantially impair the visual quality of the building. Seek technical assistance with the appropriate architectural design of these elements.
- In satisfying health, welfare, and safety requirements provide interior architectural solutions which do not require changes to the exterior of the buildings and which minimize the need for interior alteration of significant features.

• Take advantage of those portions of the Massachusetts State Building Code which allow alternative methods of compliance for existing buildings. See Section 436.0 Historic Buildings, and Article 22, Existing Buildings.

12. E-12 Mechanical Equipment.

(a) Concern: Air ducts, air conditioning units, roof equipment, solar panels, etc. can visually disrupt a historic facade or actually damage it if improperly installed.

(b) Standards:

- Locate necessary new mechanical equipment unobtrusively: in existing attic spaces; on flat roofs set back out of sight of the street; in basements; in other secondary spaces within the building; or remote from the building.
- Do not locate through wall or window units, vents, air intakes or louvers anywhere on the main public facades of a building.
- Carefully select the least disruptive methods and places for running ductwork, electrical wiring and plumbing pipes.
- Utilize fixtures of the existing mechanical system if they are part of the historic interior of the building and can be adapted to meet contemporary building code requirements. Likely reusable components include lighting fixtures, plumbing fixtures, stoves and fireplaces, radiators and air ducts.
- Obtain technical assistance to ensure the best architectural solution to the introduction of new mechanical systems.

13. E-13 Relocation of Historic Buildings.

(a) Concern: Moving a building may detrimentally alter the original site, it should be done only if there is no other way to save a building from demolition.

(b) Standards:

- Avoid relocation of historic buildings by finding a use for the original building on its site.
- If an historic building must be moved, select a site within a setting of similar context and in close proximity to the old. A fitting site may be one where a similar building once sat but which is now cleared. Moving a building requires care and planning. Both wood frame and masonry buildings can be moved and it is sometimes even feasible to move large buildings if this is the only way to preserve them.
- Do not create an artificial historic atmosphere, for example, by concentrating on one site a number of historic buildings into a configuration that has no legitimate historic basis. Instead, select an individual site for each building to occupy within existing compatible urban fabric.

14. E-14 Mill Buildings—General Principles.

(a) Concern: Preservation of the mill complexes is essential for interpreting the history of Lowell and may not be possible without adaptation for new uses.

(b) Standards—General:

- These standards discuss the mill buildings in general. On the following pages standards specifically related to mill buildings treat issues of adaptive use, industrial hardware, and millyard landscapes. The preceding standards E-1 through E-13 are also applicable to mill buildings.
- Preserve unaltered the critical exterior features of the including:
 - The front facades of the original mills and connector buildings.
 - Courtyards incorporating such facades.
 - River and canal front facades.
 - Prominent towers, cupolas and other highly visible elements.
 - Maintain the true historic differences between structures produced during different periods of the evolution of the mills. Avoid imposing the image of the architectural style of a single period onto building elements from different periods.
- Give preference to new uses that can take advantage of the physical qualities of the buildings in their historical form and do not demand the alteration of significant building features or major additions.
- Somewhat greater flexibility for alteration will be allowed in the interior of the buildings and in secondary courtyard spaces.

15. E-15 Mill Buildings—Alteration for Adaptive Use.

(a) Concern: Most new uses for mills require some interior and exterior

changes. These changes should not violate the buildings' historic quality.

(b) Standards:

• Functions within "primary millyards" and within built space facing these millyards should relate to and be compatible with public pedestrian access.

• Do not alter facades or outdoor space in "primary" millyards.

• Millyards designated "secondary" are better suited for alterations such as elevator towers, or glass roof enclosures over gathering places like hotel lobbies, or shopping arcades. Such alterations should be permitted subject to satisfactory design solutions.

• The exterior appearance of windows should not be changed when interior spaces are subdivided with partitions or ceilings are lowered.

• Millyards should be kept free of parking.

• Deliveries and services should be organized to avoid conflict with pedestrians. Services can be restricted to certain periods if necessary to avoid conflict.

16. E-16 Mill Buildings—Industrial Hardware.

(a) Concern: Hardware relating to the original industrial power system and manufacturing processes may be historically significant and should be preserved. A distinction should be made between these items and those added later which clutter the millyards.

(b) Standards:

- Determine significance of hardware by its role in original manufacturing, its completeness, and its potential for interpreting the history of Lowell. Retain elements with such significance.
- Retain industrial features within millyards or inside buildings that contribute to the visual composition of the millyard, even if they are not of major historical value.
- If industrial hardware within primary millyards is preserved, keep its original relationship to the building intact and illustrate its original use. In the millyards designated "secondary" industrial equipment may be adapted to unrelated uses with decorative intent; for example, using industrial vats as planters.
- Remove industrial features judged historically insignificant, visually detrimental, and in poor repair.

17. E-17 Mill Buildings—Millyard Landscape.

(a) Concern: The open spaces surrounded by mill complexes, once attractively landscaped, are now paved and cluttered with vehicles and equipment.

(b) Standards:

- Develop the space within primary millyards and at mill fronts in simple and robust terms recalling the spirit of these spaces at the height of their original use.
 - Restore or re-assemble landscaping elements from the original periods, especially in the Boott, Lawrence, and Massachusetts Mills where the opportunities for restoring the historic atmosphere is greatest. Preserve elements such as: paving blocks from street surfaces; lighting fixtures; fences, stone block walls, gates; fire hose houses and hydrants; and industrial hardware (E-16).
 - Exclude parking from the "primary" mill spaces.
 - Organize deliveries to avoid conflict with pedestrian uses. Restrict them by time of day if necessary to avoid conflict.
 - Allow greater flexibility for design at "secondary" courtyards and facades.
- 18. E-18 Commercial Streets—General Principles.**
- (a) Concern: The vitality of downtown Lowell depends on lively ground floor uses that attract people during the day and evening. Rehabilitated or new buildings should be designed to help unify these streets.
- (b) Standards:
- Preferred ground level uses on "primary" commercial streets are: retail, restaurant, entertainment or other functions directly open to the public and accessible from the sidewalk. Similar uses would be desirable on "secondary" commercial streets.
 - When rehabilitating or infilling with new construction, reflect the scale and rhythm, strength of cornice line and general level of architectural detail typical of the street. Maintain also the variety of styles and details historically characteristic of the street.
 - The demolition of portions of buildings, the removal of architectural details, or the covering of facades with new materials should generally not be allowed.
- 19. E-19 Commercial Streets—Storefronts.**
- (a) Concern: Many storefronts on historic buildings have been altered or replaced with incompatible materials and designs. Storefronts should be rehabilitated when possible or compatibly redesigned.
- (b) Standards: To rehabilitate existing storefronts:
- Remove later fronts applied over remaining original storefront elements.
 - Patch or replace in kind deteriorated original wooden parts. (See Standard E-5: wood)

- Remove paint non-abrasively from originally unpainted masonry elements still in good condition.
 - Remove non-abrasively or scrape and sandpaper existing painted wood to obtain a good surface for repainting.
 - Repaint wood and iron elements. To redesign storefronts altered or removed:
 - Respect the system of structural bays. Reuse the original structural elements, such as piers, columns, and lintels. Infill using elements of base panel, window, and transom that are historically appropriate to the facade. Retain any historic system or elements as closely as the needs of the new uses will allow.
 - Construct storefront preferably in wood or in extruded aluminum framing. Coat wood with paint or aluminum with anodized or baked enamel finishes appropriate to or compatible with historic colors.
 - Where there is no evidence of the original storefront interpret historic elements with a contemporary design solution.
- 20. E-20 Commercial Streets—Signage.**
- (a) Concern: Modern signage on historic buildings is often too large, covers architectural details and adds confusion to the street. Historic signs were usually designed to blend with storefronts and can be used as models.
- (b) Standards:
- Meet the requirements of the *Lowell Sign Ordinance*, especially noting the requirement that signs not obscure the architectural features of the building.
 - Design signs in styles, materials, type faces, color schemes, and letter relief appropriate or sympathetic to the historical style of the building.
 - Avoid signs which are done in a style or design which predates the era of the building.
 - Refrain from attaching signs in a manner which requires the removal of historic building materials to achieve clearance for the sign.
 - Attach signs through joints in masonry units rather than directly into the unit itself.
- 21. E-21 Residential Buildings.**
- (a) Concern: The character of a street depends on the buildings, gardens, pavings, etc. of each house on it. Removal of architectural details in favor of more contemporary treatments can diminish historic character and vitality of the streets.
- (b) Standards:
- Review and employ the "Guidelines" for residential facades, windows, shutters, entries, siding materials, and street-scape outlined in *Lowell—The Building Book*, "Houses,"

pp. 3-24 and "Technical Information," pp. 55-66.

II. New Construction

1.N-1 New Buildings—General Design Criteria.

(a) Concern: New buildings and activities are important for economic revitalization; they should be designed using a contemporary vocabulary that adds to the richness and compactness of existing 19th century buildings.

(b) Standards:

- In the overall design of buildings certain qualities of the physical fabric of historic Lowell should be adopted and interpreted into contemporary design:
 - Use buildings to create continuous walled complexes that hold the lines of streets, canal and riverfronts and to create interior courtyard spaces. Avoid buildings designed as freestanding objects.
 - Animate the cornice lines of buildings and design new high structures in the character of historic spires and towers. Avoid large utilitarian building blocks where these can dominate the skyline.
 - The use program and design of ground levels in new buildings should ensure continuous animated cultural or commercial activity along the sidewalks of primary designated Commercial Streets and Pedestrian Ways of the District. Contribute public improvements and pedestrian amenities such as planting, benches, shelter, etc. (see P-2), along these streets.
 - In new construction contemporary design vocabulary in details is encouraged rather than copies of historical elements.
 - Give preference to using naturally textured materials and subdued colors related to the historic materials of the District. Interpret into the contemporary architectural design the scale, rhythms, proportions, and level of animation found in the historic buildings of Lowell.
- 2. N-2 Infill Structures vs. Major Sites.**
- (a) Concern: Infill structures inserted between historic buildings are crucial to reinforcing the streetscape. Structures on major sites can significantly influence larger areas.
- (b) Standards:
- For infill structures: blend with the existing architectural fabric as seen from the street level, and reinforce continuity rather than stand out individually. See detailed standards for:
 - Height and Setback (N-3).
 - Exterior Design and Details (N-4).
 - For major sites: on the street level these projects should conform to the general design principles (N-1); they

also can create their own contemporary environment with greater flexibility. In regard to the vistas of the city the new projects should allow views of the mills and their towers to dominate the street and cityscape. See detailed standards for:

- Massing and Height (N-5).
- Canal and Riverbank Development (N-6).

3. N-3 Infill Structures—Height and Setback.

(a) Concern: When new buildings have setbacks and heights appreciably different from adjacent buildings, they call attention to themselves. New structures should reinforce historic relationships.

(b) Standards:

- Height Limitation for Infill Structures:

H_1 = minimum height: recommended to be no less than the lower of the adjacent buildings or two stories, whichever is greater.

H_2 = maximum height generally allowed: equal to the taller of the immediately adjacent buildings along the block face but no less than two stories.

H_3 = maximum height based on the merits of the design determined through the review process: height can be allowed up to that of the highest existing building along the face of the block which includes the infill structure. Authorization for this extra height will be considered as a bonus for compliance with standards for ground level use and exterior design details.

• Setback limitation for infill structures: the setback of the street wall of an infill building must be no more than that of the adjacent building with the greater setback, and no less than the adjacent building with the lesser setback. Elements exempted from this rule include:

- The portions of height above H_1 , if permitted, may be set back, but if such setback is used it should be a minimum of 20 feet from the street wall.
- Storefronts at the ground level may be set back from the Street Wall to create arcades, but the line of structural supports should remain at the street wall.

4. N-4 Infill Structures—Exterior Design Details.

(a) Concern: A new building's design should relate to existing historic buildings by proper attention to architectural elements and treatments such as walls, roofs, major horizontal and vertical lines, placement and size of windows and doors.

(b) Standards:

- Develop design proposals for review. Seek technical assistance for

design and presentation. Include in the presentation

- The treatment proposed for the critical elements listed.
- Analysis of critical design features of surrounding buildings.
- Compatibility of the new proposal with existing buildings illustrated by the use of photomontage, architectural model or other suitable technique.
- Avoid obviously incompatible elements: curtain walls; windowless walls facing the street; mill finish aluminum frames; porcelain enamel and other incompatible panel materials; brightly colored, shiny-surfaced materials above the ground level.

5. N-5 Major Sites—Massing and Height.

(a) Concern: The historic quality of the District can be damaged if major new buildings are significantly taller or more massive than existing ones. Respect for the tightly-knit building and street fabric is important.

(b) Standards:

• Build new structures in the industrial and commercial sections of the District to the lot line along street and canal fronts. Buildings should be a minimum of 2 stories or 25 feet and a maximum of 5 stories or 60 feet high at these lines.

• Building higher than this limit may be allowed as exceptions based on the merits of the design determined through the review process. The following may be considered as the criteria for granting exceptions:

- Set back the high rise element from the lot line at least 40 feet when there are intervening lower building elements.
- Demonstrated analysis of and design response to: key historic views, shadows and wind currents caused by the building, traffic and pedestrian flows that are compatible with the District.

• Design of the building as an appropriate vertical focal point and a worthy neighbor to the towers and spires of historic Lowell.

• Compliance with recommended ground level uses and provision of public pedestrian amenities.

6. N-6 Major Sites—Canals and River Bank Development.

(a) Concern: Existing sympathetic relationships between buildings, canals, and riverbanks should be reflected in new buildings. Public access to the water, should continue with new projects.

(b) Standards:

• Buildings under the 5 story or 60 foot height limit should be located within a maximum of 20 feet from the water edge in order to maintain the traditional close relationship of the buildings and the water.

• Building elements higher than this limit, if allowed through the review process, should be set back a minimum of 40 feet from the water's edge. No such high rise elements should be allowed in most cases unless at least 70% of the water edge included in the site is being built up to at least 3 stories in height.

• Provide a public path along the open edges or within an arcade as part of the continuous system of public ways.

• Avoid locating open parking lots closer than 20 feet to the edge of the water. Screen the parking lot from the waterfront with dense vegetation or opaque fence or wall.

7. N-7 Commercial Streets—Ground Level Use.

(a) Concern: New projects will enhance downtown vitality if cultural, retail uses and pedestrian amenities are located in commercial buildings. New storefronts should have the same scale and materials as historic ones.

(b) Standards:

• Signs and awnings on new buildings should respect the zone and manner of display for these on existing historic buildings in the historic commercial area (See E-20 Commercial Streets—Signage).

• Provide a minimum of 60% transparency for shopfronts with pedestrian-oriented displays. (See N-4 Infill Structures—Exterior Design and Detail)

• Incorporate pedestrian amenities such as street furniture and awnings or arcades into the design of new buildings.

• Maintain columns or walls of new building in line with existing facades—this Standard also applies when the ground-level design includes an arcade.

8. N-8 Auto Access, Parking and Service.

(a) Concern: Parking and servicing can interfere with pedestrian use and enjoyment of the sidewalk and access to shops. Limiting curb cuts, restricting parking locations, and requiring screening for parking lots can help to minimize this interference.

(b) Standards:

• Auto access to new project sites should be as direct as possible from major access routes. Dutton or French Streets should be used if possible. Channeling additional traffic through major commercial streets or pedestrian paths will be discouraged.

• New curb cuts and open lot parking along primary shopping streets such as Merrimack and Central will be discouraged.

• One curb cut (maximum 20 feet wide) per lot or per 100 feet of frontage

are strongly recommended on other than primary shopping streets.

• **Parking** should be prohibited between building and street line.

9. N-9 Parking Garages.

(a) **Concern:** Parking garages can overwhelm downtown historic character unless care is taken with location, design, ground level use, size relative to adjacent buildings, auto and pedestrian entrances and exits.

(b) Standards:

• **Location.** Locate no garages directly within any of the historic mill complexes or historic residential groups. Avoid parking on the ground level along primary commercial streets and give preference if possible to uses other than parking along the upper floors of the street facade. Provide access to garages directly from automobile feeder streets and avoid all curb cuts along major commercial streets and pedestrian ways.

• **Ground Level Treatment.** Include shops along the full ground floor frontage on primary shopping streets (see N-7 commercial streets—Ground Level Use for design requirements). Provide design treatment continuous with the adjacent buildings and add landscaping and pedestrian amenities appropriate for the street.

• **Massing and Facade Treatment.** Large garages are comparable in size to the mill structures. They should not imitate these historic buildings but may best fit in by responding to their scale and emphasizing overall mass and exterior brick walls with openings rather than the structure of horizontal floor levels.

• **The construction of any garage in the District containing more than 25 cars should be permitted only contingent on the compatibility and merit of the design determined through the review process.**

Fred Faust,

Executive Director.

[PR Doc. 81-12736 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-KO-M

INTERSTATE COMMERCE COMMISSION

Motor Carrier Temporary Authority Application

The following are notices of filing of applications for temporary authority under Section 10928 of the Interstate Commerce Act and in accordance with the provisions of 49 CFR 1131.3. These rules provide that an original and two (2) copies of protests to an application may be filed with the Regional Office named in the **Federal Register** publication no later than the 15th

calendar day after the date the notice of the filing of the application is published in the **Federal Register**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the ICC Regional Office to which protests are to be transmitted.

Note.—All applications seek authority to operate as a common carrier over irregular routes except as otherwise noted.

Motor Carriers of Property

Notice No. F-115

The following applications were filed in Region I. Send protests to: Interstate Commerce Commission, Regional Authority Center, 150 Causeway Street, Room 501, Boston, MA 02114.

MC 59457 (Sub-1-5TA), filed April 16, 1981. Applicant: SORESEN TRANSPORTATION COMPANY, INC., 5 Old Amity Road, Bethany, CT 06525. Representative: Gerald A. Joseloff, 80 State Street, Hartford, CT 06103. *Printed matter and equipment, materials and supplies used in the manufacture, distribution and sale of printed matter* between Detroit, MI on the one hand, and, on the other, NC, SC, TN, GA, AL, AR, MS and CT. Supporting shipper: Triangle Publications, Radner Corporate Center, 100 Matson Ford Road, Radner, PA 19088.

MC 154993 (Sub-1-1TA), filed April 16, 1981. Applicant: H & W ENTERPRISES, South Witham Road, Auburn, ME 04210. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114. *Contract carrier: irregular routes: Textile mill products*, (1) between points in ME on the one hand, and, on the other, points in MA and (2) from points in MA and ME to points in CT, NH, NJ,

NY, RI, and VT under continuing contract(s) with Carlton Woolen Mills, Inc., Winthrop, ME. Supporting shipper: Carlton Woolen Mills, Inc., Main Street, Winthrop, ME 04364.

MC 146 (Sub-1-1TA), filed April 15, 1981. Applicant: CHAMBERS-THOMPSON MOVING & STORAGE, INC., 596 Hilliard St., Manchester, CT 06040. Representative: Glover Thompson (same as applicant). (1) *Pumps and pump materials and supplies* from Wallingford, CT to Marion, IL and South Bend, IN and between South Bend, IN and Marion, IL; (2) *Telephone equipment, materials and supplies* from Niles, MI and Chicago, IL to Yonkers, NY, Suffern, NY, Kearny, NJ, Pawtucket, RI; (3) *Printed matter* between Honesdale, PA and Windsor, CT. Supporting shippers: Western Electric, 2121 Chicago Road, Niles, MI 49120; ABS Pumps, 25 Village Lane, Wallingford, CT 06492; Aetna Life Insurance Co., 151 Farmington Avenue, Hartford, CT 06156.

MC 140950 (Sub-1-1TA), filed April 15, 1981. Applicant: BROOKVILLE TRANSPORT, LIMITED, P.O. Box 2322, Station C, St. John, New Brunswick, CD. Representative: John C. Lightbody, Esquire, Murray, Plumb & Murray, Portland, ME 04101. (A) *Beer* from US-CD boundary at Calais, ME to Woodland, ME, restricted to traffic with a subsequent movement by rail. (B) *Piggyback trailers* between points on the US-CD boundary at Calais, ME and Woodland, ME restricted to traffic with a prior or subsequent movement by rail. Supporting shipper: Alliance Shippers, Incorporated, 8440 Archer Avenue, Willow Springs, IL 60480.

MC 155338 (Sub-1-1TA), filed April 16, 1981. Applicant: CREST-FOAM TRUCKING CORP., 100 Carol Place, Moonachie, NJ 07074. Representative: Ronald I. Shapss, Esq., 450 Seventh Ave., New York, NY 10123. *Contract carrier: irregular routes: Plastic and plastic products and materials and supplies used in the manufacture thereof* between Moonachie and Edison, NJ on the one hand, and on the other, points in the US under continuing contract(s) with Crest-Foam Corp. of Moonachie, NJ. Supporting shipper: Crest-Foam Corp., 100 Carol Place, Moonachie, NJ 07074.

MC 155339 (Sub-1-1TA), filed April 15, 1981. Applicant: FOSTER TRUCKS, INC., Trucking Division, East Middlebury, VT 05740. Representative: John R. Barrera, Esq., Conley and Foote, P.O. Box 391, Middlebury, VT 05753. *Contract carrier: irregular routes: Cheese and cheese products and equipment and materials and supplies*

used in the manufacture of cheese and cheese products, between Hinesburg, VT on the one hand, and, on the other hand, CT, DE, DC, FL, GA, IL, IN, MA, MD, MI, NC, NJ, NY, OH, PA, RI, SC, VA, and WV, under continuing contract(s) with International Cheese Co. Inc. of Hinesburg, VT. Supporting shipper: International Cheese Co., Inc., Hinesburg, VT 05461.

MC 150618 (Sub-1-2TA), filed April 16, 1981. Applicant: AVION TRANSPORT, INC., 43 East Hollis Street, Nashua, NH 03060. Representative: Robert G. Parks, 20 Walnut St., Suite 101, Wellesley Hills, MA 02181. *Contract carrier: irregular routes: (1) Plastic articles, and (2) equipment, material and supplies used in the manufacture and distribution of the commodities named in (1) above* between Medford, MA, on the one hand, and, on the other, points in the U.S. under continuing contract(s) with Composite Container Corporation of Medford, MA. Supporting shipper: Composite Container Corporation, 330 Middlesex Ave., Medford, MA 02155.

MC 149536 (Sub-1-5TA), filed April 16, 1981. Applicant: RODCO LEASING, INC., 380 Union Street, West Springfield, MA 01089. Representative: James M. Burns, 1383 Main Street, Suite 413, Springfield, MA 01103. *Plastic and plastic articles and equipment, materials and supplies used in the manufacture, sale and distribution of such commodities, between Hampshire City, MA and points in the contiguous 48 states.* Supporting shipper: Hammerplast, Inc., 238 Nonotuck Street, Florence, MA 01060.

MC 127955 (Sub-1-7TA), filed April 15, 1981. Applicant: RICCI TRANSPORTATION CO., INC., Odessa Ave & Aloe St., Pamona, NJ 08240. Representative: Joseph A. Keating, Jr., 121 S Main St. Taylor, PA 18517. *Malt Beverages, in containers from Baltimore, MD and Latrobe, PA Atlantic City, NJ and from Rochester and South Volney Township, NY to Wall Township, Monmouth County, NJ.* Supporting Shipper(s): Kramer Beverage Co., Inc., 110 N. Virginia Ave., Atlantic City, NJ. Point Pleasant Distributor's, Inc., 319 Hawthorne Ave., Point Pleasant Beach, NJ.

MC 112963 (Sub-1-11TA), filed April 15, 1981. Applicant: ROY BROS., 764 Boston Road, Pinehurst, MA 01866. Representative: Leonard E. Murphy (same as applicant). *Plastic materials, dry, in bulk tank vehicles, between Passaic, NJ and Point Pleasant, WV, on the one hand, and, on the other, points in GA, NY, NJ, NC, OH, PA, TN, VA, WV, and SC.* Supporting shipper:

Pantosote, Inc., 26 Jefferson St., Passaic, NJ 07055.

MC 153811 (Sub-1-5TA), filed April 16, 1981. Applicant: TRANSPORTATION SYSTEM OF AMERICA, INC., 3905 River Road, Pennsauken, NJ, 08110. Representative: Richard M. Parnicky, 71 West Park Avenue, Vineland, NJ 08360. *Elliptic and semi-elliptic tractor springs, and such commodities as are dealt in and used by manufacturers and distributors of automotive repair parts, between Philadelphia, PA and Baltimore, MD, on the one hand, and, on the other hand, points in the U.S.* Supporting shipper: Impex Industries, Inc., 6801 State Road, P.O. Box 17671, Philadelphia, PA 19135.

MC 111729 (Sub-No. 1-12TA) filed April 16, 1981. Applicant: PUROLATOR COURIER CORP., 3333 New Hyde Park Road, New Hyde Park, NY 11042. Representative: Elizabeth L. Hensch (same address as applicant). *Machinery and Products related to the operation and maintenance thereof; Metal Products; Paper and Related Products, in packages weighing 70 lbs. each:* 1. Between Boston, MA, on the one hand, and, on the other, points in CT, ME, NH and RI. 2. Between Secaucus, NJ, on the one hand, and, on the other, points in Adams, Bedford, Berks, Blair, Bradford, Bucks, Cameron, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntington, Juniata, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming and York Counties, PA; and points in CT, ME, NH, NY and RI. 3. Between Pennsauken, NJ, on the one hand, and, on the other, points in DE, MD and PA. 4. Between Syracuse, NY, on the one hand, and, on the other, points in PA. 5. Between Webster, NY, on the one hand, and, on the other, points in Ashland, Ashtabula, Belmont, Carroll, Columbiana, Coshocton, Cuyahoga, Erie, Franklin, Geauga, Guernsey, Harrison, Holmes, Huron, Knox, Lake, Licking, Lorain, Mahoning, Medina, Muskingum, Portage, Richland, Stark, Summit, Trumbull, Tuscarawas and Wayne Counties, OH; and points in CT, DE, ME, MA, MD, NH, NJ, PA, RI and DC. 6. Between Springfield, VA, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Dauphin, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Philadelphia, Somerset,

Venango, Warren, Washington and Westmoreland Counties, PA; and points in DE, MD, NJ, NC, SC and DC. 7. Between Charlotte, NC, on the one hand, and, on the other, points in SC and VA. 8. Between Cleveland, OH, on the one hand, and, on the other, points in Allegheny, Armstrong, Beaver, Butler, Cambria, Clarion, Clearfield, Crawford, Elk, Erie, Fayette, Forest, Greene, Indiana, Jefferson, Lawrence, McKean, Mercer, Somerset, Venango, Warren, Washington and Westmoreland Counties, PA. 9. Between points in OH, on the one hand, and, on the other, points in WV (except those in Berkeley, Brooke, Grant, Hampshire, Hancock, Hardy, Jefferson, Marshall, Mineral, Morgan, Ohio, Pendleton, Tucker and Wetzel Counties). 10. Between Detroit, MI, on the one hand, and, on the other, Indianapolis, IN, points in Indiana on the North of U.S. Hwy No. 24, and points in OH. 11. Between Kansas City, MO, and Wichita, KS. 12. Between St. Louis, MO, on the one hand, and, on the other, points in IL, IN, IA and KY. 13. Between Omaha, NE, on the one hand, and, on the other, points in IA and SD. 14. Between Minneapolis, MN, on the one hand, and, on the other, points in IA, ND, SD and WI. 15. Between Portland, OR, on the one hand, and, on the other, points in WA. 16. Between Seattle, WA, on the one hand, and, on the other, points in OR. 17. Between Des Plaines, IL, on the one hand, and, on the other, points in Allen, Auglaize, Brown, Butler, Champaign, Clark, Clinton, Clermont, Defiance, Darke, Franklin, Fulton, Greene, Hamilton, Hancock, Henry, Highland, Logan, Lucas, Mercer, Miami, Montgomery, Ottawa, Paulding, Preble, Putnam, Sandusky, Seneca, Van Wert, Warren, Wood, and Williams Counties, OH; and points in IN, IA, MI, MO, and WI. 18. Between Dallas, TX, on the one hand, and, on the other, points in AR, LA and NM. 19. Between Atlanta, GA, on the one hand, and, on the other, points in AL, FL, MS, NC, SC, and TN. 20. Between Norfolk, VA, on the one hand, and, on the other, points in NC and WV. Supporting shipper: Xerox Corporation, 800 Phillips Road, Webster, New York 14580.

MC 155325 (Sub-1-1TA), filed April 15, 1981. Applicant: NEW JERSEY CHARCOAL CO., 18 Commerce Road, Fairfield, NJ 07006. Representative: Alan Kahn, Barry D. Clegan, 1430 Land Title Bldg., Philadelphia, PA 19110. *Contract carrier: Irregular routes: Charcoal briquets, fireplace logs, wood chips, and barbecue and fireplace related items, from the facilities utilized by the Kingsford Company at Fairfield, NJ to points in CT, DE, MA, NH, NY, PA and*

RI, under continuing contract(s) with the Kingsford Company of Louisville, KY. Supporting shipper: The Kingsford Company, 1700 Commonwealth Building, P.O. Box 1033, Louisville, KY 40201.

MC 151193 (Sub-1-17TA), filed April 17, 1981. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Representative: Michael A. Beam, 3 Commerce Drive, Cranford, NJ 07016. *Contract carrier; irregular routes; (1) Foodstuffs, (2) such commodities as are dealt in and sold by supermarkets (except commodities in bulk) and equipment, materials, and supplies used in the manufacture, sale and distribution of such commodities in (1) and (2) (except commodities in bulk), between FL, GA, IL, MA, PA, NJ and DC, under continuing contract(s) with Allied Old English, Inc., Pt. Reading, NJ. Supporting shipper: Allied Old English, Inc., 100 Markley Street, Pt. Reading, NJ 07064.*

MC 149081 (Sub-1-1TA), filed April 15, 1981. Applicant: SUBURBAN TRAILS, INC., 750 Somerset Street, New Brunswick, NJ 08901. Representative: Edward F. Bowes, Esq., Bowes, Millner and Rodgers, P.O. Box 1409, 187 Fairfield Road, Fairfield, NJ 07006. *Common carrier; regular routes: Passengers and their baggage and express and newspapers in the same vehicle with passengers, between Plainsboro and Cranbury, NJ and New York, NY serving all intermediate points as follows: (1) From the jct of US Hwy 1 and Princeton-Plainsboro Rd in the township of Plainsboro, NJ, over Princeton-Plainsboro Road to jct Plainsboro-Cranbury Rd., then over Plainsboro-Cranbury Rd to jct Maplewood Ave. in the Township of Cranbury, NJ, then over Maplewood Ave to jct Half Acre Rd., then over Half Acre Rd. to jct Forsgate Dr. (NJ Hwy 32) in the Township of South Brunswick, NJ, then over Forsgate Dr. to NJ Turnpike, then over the NJ Turnpike to jct Int. Hwy 495 in Secaucus, NJ, then over Int. Hwy 495, via the Lincoln Tunnel, to New York, NY, and return over the same route. (2) From the jct of US Hwy 1 and Ridge Road (Middlesex Cty Hwy 522) in the Township of South Brunswick, NJ over Ridge Rd. to jct Shalks Crossing Rd., then over Shalks Crossing Rd. to jct Plainsboro-Cranbury Rd. in the Township of Plainsboro, NJ then over the routes specified above to New York, NY, and return over the same routes. (3) From the jct of US Hwy 130 and Cranbury-South River Rd. (Middlesex Cty Hwy 535) in the Township of Cranbury, NJ, over Cranbury-South River Rd., to jct Forsgate Drive in the*

Township of South Brunswick, NJ then over the routes specified above to New York, NY, and return over the same routes. (4) From the jct of US Hwy 1 and NJ Hwy 18 in the City of New Brunswick, NJ, over NJ Hwy 18 to the NJ Turnpike then over the routes specified above to New York, NY and return over the same routes. Applicant propose to join the proposed routes with its existing regular route passenger authority in Docket MC-149081. Supporting shipper(s): There are 25 supporting shipper statements included with this application which may be examined at the I.C.C. Regional Office in Boston, MA.

MC 142114 (Sub-1-8TA), filed April 17, 1981. Applicant: RETAIL EXPRESS, INC., 9 Stuart Road, Chelmsford, MA 01824. Representative: Frank M. Cushman, 36 South Main Street, Sharon, MA 02067. *Contract Carrier: Irregular routes: glass; glass products; supplies, equipment and machinery used in the manufacture and shipping thereof in the following states: all points in the 48 contiguous United States, under continuing contract(s) with General Glass International Corp., of New Rochelle, NY. Supporting shipper: General Glass International Corp., 270 North Avenue, New Rochelle, NY 10801.*

MC 117466 (Sub-1-1TA), filed April 17, 1981. Applicant: HAST, INC. d.b.a. ROYAL MESSENGER SERVICE, 9 Indian Neck Avenue, Branford, CT 06405. Representative: Gerald A. Joseloff, 410 Asylum Street, Hartford, CT 06103. *Photographic materials, printed matter and dental supplies between CT on the one hand, and, on the other, Hampden County, Hampshire County and Franklin County, MA; Suffolk County, Putnam County and Westchester County, NY; and the New York, NY Commercial Zone. Supporting shippers: There are seven statements in support of this application which may be examined at the Regional Office of the I.C.C. in Boston, MA.*

The following applications were filed in Region 2. Send protests to: ICC, Fed. Res. Bank Bldg., 101 North 7th St., Rm., 620, Philadelphia, PA 19106.

MC 107012 (Sub-II-155TA), filed April 8, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: Gerald A. Burns (same address as applicant). *Contract; irregular: Data processing systems, supplies, units and devices in connection therewith between Ulster and Dutchess Counties, NY, on the one hand, and, on the other, points in the U.S. in and west of MN, IA, MO, AR, and LA for 270 days. Supporting shipper(s): International Business*

Machines Corp., P.O. Box 10, Princeton, NJ 08540.

MC 107012 (Sub-II-156TA), filed April 13, 1981. Applicant: NORTH AMERICAN VAN LINES, INC., 5001 U.S. Hwy. 30 West, P.O. Box 988, Fort Wayne, IN 46801. Representative: David D. Bishop (same address as applicant). *Furniture from the facilities of the Overland Shippers Association and its members in MA to points in NC for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Overland Shippers and Receivers Assoc., Inc., 15751 Brookhurst St., Suite 101, Westminster, CA 92683.*

Note.—Common control may be involved.

MC 129124 (Sub-II-11TA), filed April 13, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudisco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Coal, in bulk in dump vehicles, between points in Clarion and Jefferson Counties, PA, on the one hand, and, on the other, points in WV for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Basic Energies, Inc., 414 Main St., Reynoldsville, PA 15851.*

MC 136782 (Sub-II-2TA), filed April 13, 1981. Applicant: R.A.N. TRUCKING CO., P.O. Box 128, Eau Claire, PA 16030. Representative: H. Barney Firestone, 10 S. LaSalle St., Suite 1800, Chicago, IL 60603. *Food and related products, between points in Will County, IL on the one hand, and, on the other, points in OH for 270 days. Supporting shipper: Julius Wile Sons & Co., Inc., One Hollow Lane, Lake Success, NY 11042.*

MC 154900 (Sub II-1TA), filed April 13, 1981. Applicant: FULTON HAULING CORP., 943 Illinois Ave., Pittsburgh, PA 15221. Representative: Arthur J. Diskin, 806 Frick Bldg., Pittsburgh, PA 15219. *Steel rails, railroad ties, light poles, and equipment, tools and supplies used in the installation of railroad systems, from points in PA, OH, WV, MD, VA, and NJ to points in Allegheny County, PA, for 270 days. Supporting shipper(s): Port Authority of Allegheny County, Beaver and Island Aves., Pittsburgh, PA 15233; Ellwood City Iron & Wire Co., P.O. Box 832, Ellwood City, PA 16117; and Appalachian Timber Service, Inc., P.O. Box 7518, Charleston, WV 25313.*

MC 74416 (Sub II-3TA), filed April 9, 1981. Applicant: LESTER M. PRANGE, INC., Kirkwood, PA 17536. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. *Foodstuffs, and materials, equipment, and supplies used in the manufacture, packaging, and*

distribution thereof, between Anne Arundel, Prince Georges and Baltimore Counties, MD, and Baltimore, MD, on the one hand, and, on the other, points in CT, DE, GA, IL, IN, KS, ME, MD, MA, MI, NH, NJ, NY, NC, OH, PA, RI, SC, VT, VA, WV, WI, and DC, for 270 days. Supporting shipper: J. H. Filbert, Inc., Baltimore, MD 21229.

MC 41706 (Sub-II-2TA), filed April 9, 1981. Applicant: TOSE, INC., 424 W. Fourth St., Bridgeport, PA 19405. Representative: Anthony C. Vance, Suite 301, 1307 Dolley Madison Blvd., McLean, VA 22101. Common, regular: *General commodities (except Classes A and B explosives)*, serving points in Tolland and Winham Counties, CT, as off-route points to its regular routes which traverse said counties. Applicant intends to tack this authority with its other authority held in MC-41706 and other subs. An underlying ETA seeks 120 days authority. Supporting shipper(s): There are eight supporting shippers' statements attached to this application which may be examined in the Phila. Regional office.

MC 146632 (Sub-II-4TA), filed April 13, 1981. Applicant: CHARLES A. STOECKLER, INC., 3 Spring St., Wilkes Barre, PA 18702. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Such commodities as are dealt in by retail department stores* between Luzerne County, PA on the one hand, and, on the other, Pensacola, Tallahassee and Jacksonville, FL, Mobile, AL, Pleasantville, Cherry Hill and Princeton, NJ for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Jewelcor, Inc., Erie & Susquehanna Ave., Exeter, PA 18643.

MC 155261 (Sub-II-1TA), filed April 13, 1981. Applicant: ROBERT PARRY, 620 Powell Ave., Clarks Summit, PA 18411. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517. *Salt and salt products, salt and pepper containers, industrial salt and materials and supplies used in the manufacture and distribution of such commodities and rejects on return* between Watkins Glen and Restoff, NY and Scranton, PA, on the one hand, and, on the other, points in MD, PA, KY, DE, VA, WV, NC, SC, GA, OH, IN, IL, MI and LA. An underlying ETA seeks 120 days authority. Supporting shipper(s): International Salt Co., Morgan Hwy., Clarks Summit, PA 18411.

MC 155176 (Sub-II-1TA), filed April 8, 1981. Applicant: ELLIS LIMOUSINE SERVICE, INC., 1690 Republic Rd., Huntingdon Valley, PA 19006. Representative: Alan Kahn, 1430 Land Title Bldg., Philadelphia, PA 19110.

Passengers and their baggage, in special and charter operations, in nonscheduled door-to-door service, limited to the transportation of not more than six (6) passengers in one vehicle (not including the driver, and not including children under 10 years of age who do not occupy a seat or seats), between New York, NY; Newark, NJ, points in Atlantic County, NJ and those in Bucks, Montgomery and Philadelphia Counties, PA, for 270 days. Supporting shipper(s): Associated Safety & Fire Consultants, Inc., P.O.B. 202 Pennndel, PA 19047; Robert Bruce, Inc., C & Westmoreland Sts, Philadelphia, PA 19134; Holiday Travel Service, 3558 Street Rd., Bensalem, PA 19020; and Cullis Distributing Co., 1690 Republic Rd., Huntingdon Valley, PA 19006.

MC 129124 (Sub-II-12TA), filed April 16, 1981. Applicant: SAMUEL J. LANSBERRY, INC., P.O. Box 58, Woodland, PA 16881. Representative: John C. Fudisco, Suite 960, 1333 New Hampshire Ave., NW., Washington, DC 20036. *Ores and minerals, in bulk in dump vehicles*, from points in Shenandoah and Frederick Counties, VA, to pts. in Chemung Co., NY for 270 days. An underlying ETA seeks 120-day authority. Supporting shipper: Thatcher Glass Manufacturing Co., P.O. Box 265, Elmira, NY 14902.

MC 149484 (Sub-II-16TA), filed April 15, 1981. Applicant: MUMMA FREIGHT LINES, INC., 6495 Carlisle Pike, Mechanicsburg, PA 17055. Representative: Barry Weintraub, Suite 800, 8133 Leesburg Pike, Vienna, VA 22180. *Printing paper, other than newsprint, materials, equipment and supplies used in the manufacturing and distribution thereof*, between the facilities of Appleton Papers Inc., Camp Hill, PA, Appleton, WI, Combined Locks, WI, and Roaring Spring, PA on the one hand, and on the other points in the U.S. (except AK and HI) for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Appleton Papers, Inc., 2850 Appleton St., Camp Hill, PA 17011.

MC 152509 (Sub-II-8-TA), filed April 10, 1981. Applicant: CONTRACT TRANSPORTATION SYSTEMS CO., P.O. Box 5856, Cleveland, OH 44101. Representative: Robert R. Harris, 1730 M Street, N.W., Washington, D.C. 20036. *Contract Irregular: General commodities (except Classes A and B explosives, commodities in bulk, and hazardous materials)* under continuing contracts with Northeastern Pennsylvania Shippers Cooperative Association, Inc. of Dunmore, PA, or its members between points in NY, NJ, and PA, on the one hand, and, on the other, points in the U.S. in and east of ND, SD,

NE, KS, OK, and TX for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Northeastern Pennsylvania Shippers, Cooperative Association, Inc., 1212 O'Neill Highway, Dunmore, PA 18512.

MC 116132 (Sub-II-1TA), filed April 13, 1981. Applicant: NATIONAL TANK TRUCK DELIVERY, INC., 85 E. Gay St., Columbus, OH 43215. Representative: Earl N. Merwin, 85 E. Gay St., Columbus, OH 43215. *Contract Irregular: General commodities (except Classes A and B explosives)*, (1) between Detroit and Melvindale, MI, on the one hand, and, on the other, Louisville, KY; (2) between Nashville, TN, on the one hand, and, on the other, Dearborn, Wayne, Wixom, Melvindale, and Detroit, MI; Lorain, OH; and Louisville, KY, for 270 days. Supporting shipper: Ford Motor Co., 1 Parklane Blvd., Ste. 200 Parklane Twrs., E., Dearborn, MI 48126.

MC 155065 (Sub-II-1TA), filed April 13, 1981. Applicant: B & H INDUSTRIES, INC., Rt. 1, West Unity, OH 43570. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Such commodities as are dealt in or used by manufacturers of brass and brass products*, between the facilities of Chase Brass, located at or near Montpelier, OH, on the one hand, and, on the other, points in the U.S. in and east of ND, SD, NE, KS, OK and TX. Restricted to the transportation of shipments originating at or destined to the origins specified above for 270 days. Supporting Shipper: Kennecott Engineered Systems Company, a division of Kennecott Corporation, 20600 Chagrin Boulevard, Cleveland, OH 44122.

MC 155322 (Sub-II-1TA), filed April 15, 1981. Applicant: HANDY ROYALTY, d.b.a. ROYALTY TRUCKING, 2311 Starling Rd., Bethel, OH 45106. Representative: Norbert B. Flick, 2250 Beechmont Ave., Cincinnati, OH 45230. *Iron and Steel Articles, Railroad Car Parts and Castings and Forgings* between points in OH and KY, for 270 days. Supporting shipper(s): Ortnier Freight Car Co., 2652 Erie Ave., Cincinnati, OH 45208.

MC 155342 (Sub-II-1TA), filed April 16, 1981. Applicant: G.W.D. EXPRESS, INC., P.O. Box 396, Pioneer, OH 43554. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. *Such commodities as are dealt in or used by manufacturers of brass and brass products*, between the facilities of Chase Brass & Copper Unit of Kennecott Corporation at or near Montpelier, OH on the one hand, and, on the other, points in the U.S. in and east of ND, SD,

NE, KS, OK and TX, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Kennecott Engineered Systems Company, Div. of Kennecott Corporation, 206 Chagrin Boulevard, Cleveland, OH 44122.

MC 124212 (Sub-II-4TA), filed April 17, 1981. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Rd., P.O. Box 30248, Cleveland, OH 44130. Representative: J. A. Kundtz, 1100 National City Bank Bldg., Cleveland, OH 44114. *Fly ash*, from Ashtabula County, OH to points in NY and PA for 270 days. Supporting shipper: Penn Virginia Materials Corp., 4950 East 345th St., Willoughby, OH 44094.

MC 150568 (Sub-II-3TA), filed April 17, 1981. Applicant: CASE CARRIAGE CO., 715 South Sugar Street, Celina, OH 45822. Representative: Boyd B. Ferris, 50 West Broad Street, Columbus, OH 43215. *Foodstuffs and related commodities*, between the facilities of Vernon Calhoun Packing Company in Anderson County, TX, on the one hand, and, on the other, points in the U.S. for 270 days. Supporting shipper(s): Vernon Calhoun Packing Company, P.O. Box 709, Palestine, TX 75801.

MC 141424 (Sub-II-2TA), filed April 17, 1981. Applicant: P-Y TRANSPORT, INC., 2393 W. Market St., York, PA 17404. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., NW., Washington, D.C. 20005. *Wheel rims*, in containers, from the facilities of Redco Corporation, Red Lion, PA, to the Port of Baltimore, MD. Supporting shipper: Redco Corporation, Red Lion, PA 17356.

MC 139814 (Sub-II-2TA), filed April 16, 1981. Applicant: G. W. TRANSFER, INC., P.O. Box 295, 3100 State Rte 95, Mt. Gilead, OH 43338. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *Oil well pumping jacks, and materials, equipment and supplies used in the manufacture, sale and distribution thereof*, between the facilities of Morgan Engineering, Oil Products Div., A Unit of AMCA International Corp. at Alliance, OH, on the one hand, and, on the other, points in the U.S. An underlying ETA seeks 120 days authority. Supporting shipper: Morgan Engineering, Oil Products Div., A Unit of AMCA International Corp., 947 E. Broadway, Alliance, OH 44601.

MC 154713 (Sub-II-5TA), filed April 16, 1981. Applicant: DUMONT TRUCKING, INC., 620 E. Broad St., Columbus, OH 43215. Representative: James M. Burtch, 100 E. Broad St., Columbus, OH 43215. *Metal products and machinery* between points in Greenup and Boyd Counties, KY, on the one hand, and, on the other, points in

NM, CO, VA, IL, KY, AL, PA, WY, MI, WV, MD and MN. Supporting shipper: National Mine Service Co., P.O. Box 1447, Ashland, KY 41101.

MC 72069 (Sub-II-12TA), filed April 16, 1981. Applicant: BLUE HEN LINES, INC., P.O. Box 280, Milford, DE 19963. Representative: Chester A. Zyblut, 366 Executive Bldg., 1030 15th St. NW., Washington, D.C. 20005. *Synthetic polymers*, between points in the U.S. and east of MN, IA, MO, AR and TX, for 270 days. Supporting shipper: Plastic Materials Co., Inc., Milford, DE 19963; J. L. Moorshead Co., Inc., Greensboro, MD 21963.

MC 155113 (Sub-II-1TA), filed April 16, 1981. Applicant: TRANSIRE, INC., 633 Matzinger Rd., Toledo, OH 43612. Representative: James Duvall, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017. *General commodities*, except classes A and B explosives, between points in Lucas County, OH, on the one hand, and, on the other, points in Cook County, IL. Applicant intends to interline at Cook County, IL. An underlying ETA seeks 120 days authority. Supporting shippers: Gross Manufacturing Co., 152 Hamilton, Toledo, OH 43695; I-SIS, Inc., 5405 Telegraph Rd., Toledo, OH 43612; Keystone Lighting Co., 3300 Bishops St., Toledo, OH 43600; and Mid-West Electronics, Inc., 228 Fassett St., Toledo, OH 43605.

MC 151707 (Sub-II-11TA), filed April 15, 1981. Applicant: PIONEER TRUCKING, INC., 1105 N. Market St., 15th Floor, Wilmington, DE 19801. Representative: Dennis Kupchik (same as applicant). Contract; irregular: *Aluminum Siding, Aluminum Coils, Aluminum Accessories*, Materials and Supplies used in the manufacture thereof between Detroit, MI, and points in and east of the states of ID, UT, and AZ, under continuing contract(s) with Bendix Modern Materials Corp. An underlying ETA seeks 120 days authority. Supporting shipper: Bendix Modern Materials Corp., 301 S. Green, Detroit, MI 48217.

MC 151346 (Sub-II-3TA) Applicant: ZEE CORPORATION, P.O. Box 693, Langhorne, PA 19047. Representative: Robert W. Flowers, P.O. Box 245, Langhorne, PA 19047. Contract, irregular: (a) iron and steel articles, and (b) supplies used in the installation, manufacture, sale, or production of iron and steel articles between points in the U.S. (except AK and HI) under continuing contracts with Prior Coated Metals for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Prior Coated Metals, 2233 26th St., S.W., Allentown, PA 18103.

MC 152230 (Sub-II-2TA), filed April 17, 1981. Applicant: THEODORE F. MILLER, d.b.a. T. & L. MILLER, 36 West Eighth St., Bloomsburg, PA 17815. Representative: David C. Venable, 805 McLachlen Bank Building, 666 Eleventh Street, NW., Washington, DC 20001. *Canned foodstuffs and materials, supplies and equipment* used in the manufacture of canned foodstuffs, between Northumberland and Palm, PA, on the one hand, and, on the other, points in the U.S. (except FL, GA, NC, AK, HI, and SC) for 270 days. An underlying ETA is seeking authority for 120 days. Supporting shipper: Furman Canning Co. R.D. 2, Northumberland, PA 17857.

MC 115391 (Sub-II-3TA), filed April 17, 1981. Applicant: GENSIMORE TRUCKING, INC., P.O. Box L, Pleasant Gap, PA 16823. Representative: Barry L. Gensimore (same as applicant). Common, irregular—*coak, foundry facing, and foundry core compounds* from Butler County, PA., to points in DE, IL, IN, MD, MI, NY, OH, TN, VA, and WV, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper(s): Limewood Corporation, R.D. 1, Boyers, PA 16020.

MC 94265 (Sub-II-28TA), filed April 17, 1981. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305—Route 460 W, Windsor, VA. 23487. Representative: William K. Gainey, P.O. Box 305, Windsor, VA 23487. *Non-exempt food or kindred products as described in Item 20 of the STCC*, from New Castle County, DE, and Hudson County, NJ to points in MD, VA, WV, NC, DC, Atlanta, GA, Greenville, MI, Chicago, IL, and Plover, WI, for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Gagliardi Brothers, Inc., 700 N Five Point Road, West Chester, PA 19380.

MC 138000 (Sub-II-33TA), filed April 17, 1981. Applicant: ARTHUR H. FULTON, INC., P.O. Box 99, Stephens City, VA 22655. Representative: Dixie C. Newhouse, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *New furniture*, between Winchester, VA, including its commercial zone, on the one hand, and, on the other, points in the U.S. in and east of MN, IA, KS, OK and TX, for 270 days. An underlying ETA seeks 120 day authority. Supporting shipper: Ron McDole, Inc., P.O. Box 2979, Winchester, VA 22601.

MC 2788 (Sub-II-2TA), filed April 17, 1981. Applicant: GLOVER TRUCKING CORP., P.O. Box 7206, Holland Station, Suffolk, VA 23437. Representative: James F. Flint, 406 World Center Bldg., 918 16th St., NW., Wash., DC 20006.

General commodities (except classes A and B explosives), Between Norfolk and its commercial zones and pts. in Southampton County, VA, on the one hand, and, on the other, pts. in NY, PA, OH, NJ, DE, MD, VA, TN, KY, NC and SC, for 270 days. An underlying ETA seeks 120 days authority. Supporting shippers: Sachs Nut Co., Inc., P.O. Box 209, Franklin, VA 23851; Hippage Co., Inc., P.O. Box 3237, Norfolk, VA 23510; and Cavalier Shipping Co., Inc., P.O. Box 3386, Norfolk, VA 23514.

MC 146383 (Sub-II-2TA), filed March 26, 1981. Originally published in Federal Register dated April 13, 1981. Applicant: NATIONAL RETAIL TRANSPORTATION INC., 10 E. Oregon Ave., Phila., PA 19106. Representative: Richard Rueda, 135 N. 4th St., Phila., PA 19146. *Merchandise as is dealt in by retail stores and chain food business houses and materials equipment and supplies used in the conduct of such business between New York City commercial zone; Akron, Canton, Cleveland, Cincinnati, Columbus, Dayton, Lima, Parma and Springfield, OH; Phila., and Pittsburgh, PA; Providence, RI; Columbus and Greenville, SC; Memphis, TN; Arlington, Austin, Baytown, Callas, Fort Worth, Houston, Irving, Pasadena and Plano, TX; Brookfield, Greendale, Glendale and Milwaukee, WI; Birmingham, AL; Scottsdale, Phoenix, and Tucson, AZ; Carmel, Costa Mesa, La Habra, Lakewood, Los Angeles, Oakland, Sacramento, Pasadena, San Diego, San Mateo, Santa Ana, Santa Barbara, Santa Clara and Torrance, CA; Athens, Atlanta, Augusta and Liburn, GA; Chicago, IL; Indianapolis, IN; Florence, Lexington and Louisville, KY; Kensington and Worcester, MD; Burlington, Chestnut Hill, Framingham, Hyannis and Sargos, MA; Charlotte and Gastonia, NC; Manchester, NH; Hackensack, Paramus and Woodbridge, NJ; Long Island, New Rochelle, New York, White Plains and Rochester, NY on the one hand, and, on the other, pts. in the US (except the states of MT, UT, ND, SD and NE), for 270 days. Supporting shipper: Federated Department Stores, Inc., 7 W. 7th St., Cincinnati, OH 45202. The purpose of republication is to include Parma, OH and Glendale, WI which were omitted.*

MC 153918 (Sub-II-1TA), filed April 17, 1981. Applicant: TRANSPORTATION & CONSOLIDATING CENTERS, INC., P.O.B. 1524, Harrisburg, PA 17105. Representative: Peter Wolff, 722 Pittston Ave., Scranton, PA 18505. *Loudspeakers and phonograph and sound mechanism assemblies between Milroy,*

Montgomery, Harrisburg and Camp Hill, PA on the one hand and on the other, points in CA and IL, for 270 days. Supporting shipper: Fisher Corporation, Fisher Park, Milroy, PA 17063.

MC 154652 (Sub-II-1TA), filed April 17, 1981. Applicant: PENNCO TRUCKING, INC., P.O. Box 129, New Cumberland, PA 17070. Representative: Charles E. Creager, 1329 Pennsylvania Ave., P.O. Box 1417, Hagerstown, MD 21740. *General commodities (except Classes A & B explosives, household goods, commodities in bulk and commodities requiring special equipment) between points in Dauphin, Perry, Cumberland, Franklin, Adams, York, Lancaster, Lebanon and Berks Counties, PA, for 270 days. Applicant intends to interline. Supporting shipper(s): Bolling Katlin, Inc., 192 Hempt Rd., Mechanicsburg, PA 17055; Bowman Transportation, Inc., P.O. Box 17744, Atlanta, GA 30316; Mercury Motor Express, Inc., P.O. Box 23406, Tampa, FL 33623.*

MC 151585 (Sub-II-4TA), filed April 20, 1981. Applicant: BEST TRUCKING CO., INC., 2913 Halstead Road, Richmond, VA 23235. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229. *Contract irregular, general commodities (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between Norfolk, VA and Richmond, VA (and points in their commercial zones) and (2) between Richmond, VA (and points in its commercial zone) on the one hand, and, on the other, points in CT, DE, MA, MD, ME, NC, NH, NJ, NY, PA, RI, SC, VA, VT, WV and DC, under continuing contract(s) with Joslyn Mfg. and Supply Co., of Franklin Park, IL 60131. An underlying ETA seeks 120 days authority. Supporting shipper: Joslyn Mfg. and Supply Co., 9200 West Fullerton Avenue, Franklin Park, IL 60131.*

MC 52861 (Sub-II-4TA), filed April 20, 1981. Applicant: WILLS TRUCKING, INC., 3185 Columbia Road, Richfield, Ohio 44286. Representative: James W. Moore (same). *Calcium Chloride, in bulk, in dump vehicles, from Ludington and Midland, MI to Solon, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting Shipper: Revere Chemical, 30675 Carter Street, Solon, OH 44139.*

MC 148536 (Sub-II-1TA), filed April 20, 1981. Applicant: ANTHONY W. CATRONE, d.b.a. CATRONE TRUCKING, 848 Lee Dr., Orrville, OH 44667. Representative: Stephen J. Habash, 100 E. Broad St., Columbus, OH

43215. *Contract; irregular: scrap iron, steel and metal between points in Lorain and Cuyahoga Counties, OH, on the one hand, and, on the other, points in PA under continuing contracts with Atlas Lederer Co. of Cleveland, OH for 270 days. An underlying ETA seeks 120 days authority. Supporting shipper: Atlas Lederer Co., 9515 Woodland Ave., Cleveland, OH 44120.*

MC 138386 (Sub-II-1TA), filed April 20, 1981. Applicant: KEPHART TRUCKING COMPANY, P.O. Box 386, Bigler, PA 16825. Representative: Dwight L. Koerber, Jr., 110 N. 2nd St., P.O. Box 1320, Clearfield, PA 16830. *Coal, in dump vehicles, from points in Elk Co., PA to points in Frederick Co., MD for 270 days. Supporting Shipper: Half-Mile Corporation, P.O. Box 195, Apollo, PA 15613.*

The following applications were filed in region 4. Send protests to: Interstate Commerce Commission, Compliant and Authority Branch, P.O. Box 2980, Chicago, IL 60604.

MC 48441 (Sub-4-6TA), filed April 16, 1981. Applicant: R.M.E. INC., P.O. Box 418, Streator, IL 61364. Representative: Michael D. Bromely, Suite 805, 680 Eleventh Street, NW., Washington, DC 20001. *(1) Paper and paper products; and (2) equipment, materials and supplies used in the manufacture and distribution of the commodities in (1) above, between Van Wert, OH, Atlanta, GA, and Three Rivers, MI, on the one hand, and, on the other, points in the U.S. Restricted to traffic originating at or destined to the facilities of the Continental Group, Inc. Supporting shipper: Continental Forest Industries, Greenwich Office Park II, Greenwich, CT 06830.*

MC 109376 (Sub-4-3TA), filed April 20, 1981. Applicant: SKINNER TRANSFER CORP., P.O. Box 284, Reedsburg, WI 53959. Representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. *Plastic molded parts, and plastic flat and roll stock from the facilities of Penda Corp., located at or near Portage, WI to Athens, AL; Elmira, NY; Dayton, OH; and Brownsville, TX. An underlying ETA seeks 120 days authority. Supporting shipper, Penda Corp., Route 3, Industrial Road, Portage, WI 53901.*

MC 109449 (Sub-4-9), filed April 17, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th Street, Winona, MN 55987. Representative: Gary Shurson, 6366 West 6th Street, Winona MN 55987. *Food and Related Products; from points in CA, FL, IL, KY, MD, MI, MO, NJ, NY, OH, and TN to Nicollet County, MN. Supporting shipper: State Distributing*

Co., Inc., 1119 Center, No. Mankato, MN 56001.

MC 109449 (Sub-4-10TA), filed April 17, 1981. Applicant: KUJAK TRANSPORT, INC., 6366 West 6th Street, Winona, MN 55987. Representative: Gary Shurson, 6366 West 6th St., Winona, MN 55987. *Malt Beverages and Supplies, Materials and Equipment used in the sale of Malt Beverages*, between St. Louis City County, MO and Olmstead County, MN. Supporting shipper: Schott Dist. Co., Inc., 6735 Hwy 14 East, Rochester, MN 55901.

MC 129872 (Sub-4-1TA), filed April 16, 1981. Applicant: SCHUSTER TRANSPORT, INC., Route 6, Menomonie, WI 54751. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Suite 307, Minneapolis, MN 55424. *Castings, and material, equipment and supplies used in the manufacture and distribution thereof*, between Menomonie, WI, and Minneapolis, MN, on the one hand, and, on the other, Dallas, TX. Supporting shippers: Badger Iron Works, R.R. 2 Parkway Road, Menomonie, WI 54751; Scott-Atwater, 2200 1st Street N., Minneapolis, MN 55411.

MC 140729 (Sub-4-1), filed April 17, 1981. Applicant: RUSS EDIGER TRUCKING, INC., 4001 Martindale Road, Sioux Falls, SD 57107. Representative: Russ Ediger (same address as applicant). *Food products*, between Rapid City, SD, and points in MN, NE, WY, and SD. Supporting shipper: Brown Swiss Milk Company, Inc., P.O. Box 860, Rapid City, SD 57701.

MC 143898 (Sub-4-TA), filed April 20, 1981. Applicant: DONALD BUEHRING, 6860 Clairville Road, Oshkosh, WI 54901. Representative: Rolfe E. Hanson, 121 West Doty Street, Madison, WI 53703. *Contract irregular: Dry fertilizer* between points in IL, WI, MN, and MI. Restriction: Limited to a transportation service to be performed under continuing contract with International Minerals and Chemical Corporation. Supporting Shipper: International Minerals and Chemical Corp., 421 E. Hawley St., Mundelein, IL 60060.

MC 145217 (Sub-4-1TA), filed April 20, 1981. Applicant: RICHARD MC NAY INC., Rural Route 8, Quincy, IL 62301. Representative: Joel H. Steiner, Esq., 39 South LaSalle, Suite 600 Chicago, IL 60603. *Food and related products and materials, equipment and supplies used in the manufacture, sale or distribution thereof*, between points in Adams, McDonough and Sangamon Counties, IL, on the one hand, and, on the other, points in IA, IN, MO, WI and CO. Supporting shipper: Pepsi-Cola Quincy

Bottling Company, 1121 Locust Street, P.O. Box 3035, Quincy, IL 62301.

MC 150103 (Sub-4-13TA), filed April 20, 1981. Applicant: SCHWEIGER INDUSTRIES, INC., 118 West Washington Street, Jefferson, WI 53549. Representative: Wayne W. Wilson, 150 E. Gilman St., Madison, WI 53703. *Contract irregular: Packaging materials* between Hawthorne, NJ, on the one hand and, on the other, South Holland, IL under a continuing contract(s) with Astro Packaging, Inc. Underlying ETA seeks 120 day authority. Supporting shipper: Astro Packaging, Inc., 470 W. 169th Street, South Holland, IL 60473.

MC 155344 (Sub-4-1TA), filed April 16, 1981. Applicant: B & M TRUCKING, INC., Gwinner, ND 58040. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126. *Such commodities as are dealt in or used by agricultural equipment manufacturers and dealers*, from the facilities of Austin Products, Inc., at or near Dallas, TX, and Athens, TN to points in ND, SD and MN, including ports of entry on the U.S.-Canada International Boundary line in ND. An underlying ETA seeks 120 days authority. Supporting shipper: Austin Products, Inc., Gardner, ND 58036.

MC 155357 (Sub-4-1TA), filed April 17, 1981. Applicant: WILLIAM N. ECONOMOS & JOSEPH W. BUCHALO d.b.a. WEB TRANSPORT, 1918 West Devon Avenue, Elk Grove Village, IL 60007. Representative: Abraham A. Diamond, 29 South LaSalle Street, Chicago, IL 60603. *Contract irregular: General Commodities, Except Classes A and B Explosives and Household Goods, as defined by the ICC; between Chicago, IL and points in its Commercial Zone on the one hand, and, on the other, points in IL, IN, IA, KY, MI, MN, MO, OH and WI. Restricted to traffic moving under continuing contract with Web Services Ltd. Supporting shipper: Web Services Ltd., 1918 West Devon Avenue, Elk Grove Village, IL 60007.*

MC 155362 (Sub-4-1TA), filed April 15, 1981. Applicant: HOOSIER TRANSPORTATION SYSTEM, INC., 501 Sam Ralston Road, Lebanon, IN 46052. Representative: Steven K. Kuhlmann, 2600 Energy Center, 717 17th Street, Denver, CO 80202. *General commodities (except Classes A and B explosives)*, (1) between Chicago, IL and Greensboro, NC and (2) between points in GA, NC, TN, SC, and VA on the one hand, and, on the other, Lenoir, NC and points in TX, restricted to the transportation of traffic originating at or destined to the facilities of Terminal Freight Cooperative Association or its member affiliates for 270 days. Supporting

shipper: Terminal Freight Cooperative Association, 1430 Branding Lane, Downers Grove, IL 60515.

The following applications were filed in Region 5. Send protests to: Consumer Assistance Center, Interstate Commerce Commission, Post Office Box 17150, Fort Worth, TX 76102.

MC 531 (Sub-5-10TA), filed April 20, 1981. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road (P.O. Box 14048), Houston, TX 77021. Representative: Wray E. Hughes (same as applicant). *Chemicals*, in bulk, in shipper-owned trailers, from the facilities of Dow-Corning Corp., located at or near Hemlock (Saginaw County), MI, to Phoenix, AZ. Supporting shipper: Motorola Semiconductor Group, 4221 E. Raymond St., Phoenix, AZ.

MC 16334 (Sub-5-2TA), filed April 20, 1981. Applicant: DEBRICK TRUCK LINE COMPANY, R.R. #2, Paola, KS 66071. Representative: Arnold E. Debrick (same as applicant). (1) *Hides*, (2) *Materials and supplies used in the processing and distribution of (1) above* between points in the U.S. Supporting shippers: 14.

MC 53965 (Sub-5-11TA), filed April 20, 1981. Applicant: GRAVES TRUCK LINE, INC., 2130 South Ohio, Post Office Drawer 1387, Salina, KS 67401. Representative: Bruce A. Bullock, ANR Freight System, Inc., One Woodward Avenue, Detroit, MI 48226. *New furniture and fixtures (and materials and equipment used in the manufacture and distribution thereof)*, between the facilities of SK Products at Houston, TX and Alsip (Chicago), IL on the one hand, and, on the other, all points in KS, MO, IA, TX, OK, CO and NE. (applicant intends to tack and interline). Supporting shipper: SK Products, 5355 Bucknell Dr., Atlanta, GA, 30378.

MC 111401 (Sub-5-40TA), filed April 20, 1981. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, OK 73701. Representative: Victor R. Comstock, Vice President, Traffic (same as applicant). *Petroleum lubricating oil, in bulk*, from Kansas City, KS to points in MN. Supporting shipper: Phillips Petroleum Co., 734 Adams Building, Bartlesville, OK, 74004.

MC 111651 (Sub-5-3TA), filed April 20, 1981. Applicant: MIDDLEWEST FREIGHTWAYS, INC., 6810 Prescott Avenue, St. Louis, MO 63747. Representative: Tom B. Kretsinger, 20 East Franklin, P.O. Box 258, Liberty, MO 64068. *Common regular General Commodities, except Classes A and B explosives*, between Topeka, KS and Great Bend, KS, serving all intermediate points, from Topeka over I-70 to its

junction with KS Hwy. then over KS Hwy. 156 to its junction with US Hwy. 56, then over US Hwy. 56 to Great Bend, and return over the same route; between Topeka, KS and Ft. Riley, KS, serving all intermediate points, from Topeka over US Hwy. 24 to Ft. Riley, KS and return over the same route; between McPherson, KS and the junction of I-70 and US Hwy. 135, serving all intermediate points, from McPherson over US Hwy. 81 to the junction of US Hwy. 81 and I-70, and return over the same route; between McPherson, KS and Great Bend, KS, serving all intermediate points, from McPherson over US Hwy. 56 to Great Bend, KS, and return over the same route; between the junction of US Hwy. 81 and KS Hwy. 4, on the one hand, and on the other, Hoisington, KS, serving all intermediate points, from the junction of US Hwy. 81 and KS Hwy. 4, over KS Hwy. 4 to Hoisington, KS, and return over the same route; between Great Bend, KS and Hoisington, KS, serving all intermediate points, from Great Bend, KS, over US Hwy. 281 to Hoisington, and return over the same route; between Lyons, KS and Hutchinson, KS, serving all intermediate points, from Lyons, KS over KS Hwy. 14 to its junction with KS Hwy. 96, then over KS Hwy. 96 to Hutchinson, and return over the same route. Applicant intends to tack and interline supporting shippers: 29.

MC 115331 (Sub-5-16TA), filed April 20, 1981. Applicant: TRUCK TRANSPORT, INCORPORATED, 11040 Manchester Road, St. Louis, MO 63122. Representative: J. R. Ferris (same as applicant). *Cement*, from the facilities of National Cement at or near Cordova, TN to Mississippi, Poinsetta, Cross, Crittenden, St. Francis, and Lee Counties, AR, Shelby, Fayette, Haywood, Tipton, Hardeman, Madison, Crockett and Lauderdale Counties, TN, and MS, restricted to traffic having a prior movement by rail. Supporting shipper(s): National Cement Company, Inc., 110 Office Park Drive, Birmingham, AL 35253.

MC 119399 (Sub-5-61TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Adhesives, chemicals, dextrans, starches and resins, including materials equipment and supplies used in the manufacture, installation, distribution and sale thereof (except commodities in bulk)* (1) from the commercial zone of Kansas City, KS to Carthage and Springfield, MO; (2) from the commercial zones of Atlanta, GA; Lima, OH; Clinton and

Decatur, IL to the commercial zone of Kansas City, KS. Supporting shipper: H. B. Fuller Company, Kansas City, KS.

MC 119399 (Sub 5-62TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Fiberboard cartons, KD, flat and corrugated cartons, KD, flat* from Kansas City, MO to Dallas, TX and from N. Kansas City, MO to Blackwell and Ponca City, OK. Supporting shipper: National Folding Carton Corporation, North Kansas City, MO, Owens-Illinois, Inc., North Kansas City, MO 64116.

MC 119399 (Sub 5-63TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Lead silicate, litharge, sublimed lead and lead peroxide (except commodities in bulk)*, from Joplin, MO to points in AL, AR, CO, FL, GA, IL, IN, IA, KY, LA, MI, MN, MS, NE, NC, ND, OH, OK, PA, SC, SD, TN, TX, WI and WY. Supporting shipper: Eagle-Picher Industries, Inc., Joplin, MO 64801.

MC 119399 (Sub 5-64TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Notebook binders and printed matter*; (1) from Bryan, TX to Kansas City, MO; Chicago, IL; Baltimore, MD; Atlanta, GA and Carson, CA. (2) From Minneapolis, MN to Kansas City, MO; Atlanta, GA and Carson, CA. Supporting shipper: H & R Block, Inc., Kansas City, MO 64111.

MC 119399 (Sub 5-63TA), filed April 20, 1981. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64802. Representative: Thomas P. O'Hara (address same as applicant). *Charcoal briquets and material and supplies used in the production and distribution thereof* between Dent County, MO and Lunenburg County, VA on the one hand, and, on the other, points in AL, CO, CT, DE, FL, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, NE, NJ, NY, NC, OH, OK, PA, RI, TN, TX, WI and DC. Supporting shipper: Imperial Products Company, St. Louis, MO 63117.

MC 119493 (Sub 5-6TA), filed April 20, 1981. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Thomas D. Boone (same as applicant). *Pet food in packages* from McKenzie, to AR, AL, FL, GA, IL, IN, KY, LA, MO, MS, NC, OK, SC, VA, & WV. Supporting shipper: Martha White

Foods, Inc., P.O. Box 58, Nashville, TN 37202.

MC 124109 (Sub-5-3TA) filed April 20, 1981. Applicant: B. F. C. TRANSPORTATION, INC., P.O. Box 985, Cedar Rapids, IA 52406. Representative: William L. Fairbank, 2400 Financial Center, Des Moines, IA 50309. Contract: *Irregular, General commodities (except Classes A and B explosives and hazardous waste)*, between the facilities of Worley Warehousing, Inc., at Cedar Rapids, IA on the one hand, and, on the other, pts in IL, IN, IA, MN, MO, NE, ND, OH, SD and WI, under contract with Worley Warehousing, Inc. Supporting shipper: Worley Warehousing, Inc., 423 Southdate Court, S.W., Cedar Rapids, IA 52404.

MC 125299 (Sub-5-3TA) filed April 20, 1981. Applicant: WITTE BROTHERS EXCHANGE, INCORPORATED, 690 East Cherry Street, Troy, MO 63379. Representative: B. W. LaTourette, Jr., 11 S. Meramec, Suite 1400, St. Louis, MO 63105. *General Commodities (except household goods as defined by the Commission and Classes A and B explosives)* between St. Louis, MO; Lewisville, AR; Philadelphia, PA; El Paso, TX, and their respective commercial zones, on the one hand, and on the other, points in the U.S. (except AK and HI). Supporting shipper: Falcon Products, Inc., 9387 Dielman Industrial Drive, St. Louis, MO 63132.

MC 126118 (Sub-5-63TA), filed April 20, 1981. Applicant: CRETE CARRIER CORPORATION, P.O. Box 81228, Lincoln, NE 68501. Representative: David R. Parker (same as applicant). *General commodities (except Classes A and B explosives)*, between the facilities of Amyway Corporation at or near Ada and Grand Rapids, MI, on the one hand, and, on the other, pts in the U.S. (except AK and HI). Restriction: Restricted to the transportation of traffic for the account of Amyway Corporation. Supporting shipper: Amway Corporation, Samuel J. Pullara, Manager, Corporate Transportation, Ada, MI. 49355.

MC 128966 (Sub-5-1TA), filed April 20, 1981. Applicant: METROPOLITAN CARTAGE AND LEASING, INC., 1703 West 9th Street, Kansas City, MO 64101. Representative: Tom B. Kretsinger, P.O. Box 258, 20 East Franklin, Liberty MO 64068. *Such commodities as are used by or dealt in by wholesale and retail distributors of foodstuffs and foodstuff products*, between points in Crawford, Jackson, Johnson, Leavenworth, Shawnee and Wyandotte Counties, KS on the one hand, and on the other,

points in AL, DC, FL, GA, KS, KY, LA, MO, NC, SC, TX and VA. Supporting shippers: Midland Foods Corporation, 200 North Kansas Avenue, Topeka, KS 66603; Mid Continent Underground Storage & Dist., Box 358, Bonner Springs, KS 66012; and Midland Meats, 622 W. Third, P.O. Box 460, Lee's Summit, MO 64063.

MC 129908 (Sub-5-53TA), filed April 20, 1981. Applicant: AMERICAN FARM LINES, INC., 8125 S.W. 15th St, Oklahoma City, OK 73107.

Representative: T. J. Blaylock, P.O. Box 75410, Oklahoma City, OK 73147.

Furniture and fixtures between points in the U.S. Supporting shipper: Jim Keller Company, Inc., 306 N. Meridian, Suite C, Oklahoma City, OK.

MC 134501 (Sub-5-14TA), filed, April 20, 1981. Applicant: INCORPORATED CARRIERS, LTD., P.O. Box 3128, Irving, TX 75061. Representative: T. M. Brown, P.O. Box 1540, Edmond, OK 73034. (1)

Furniture, from Allentown, PA, to points in the U.S. [except AK, AZ, AR, CA, HI, LA, MS, OK, TX, and TN, except Shelby County]; and (2) *fixtures*, from Allentown, PA, to points in the U.S. [except AK and HI]. Supporting shipper: Bethlehem Furniture Co., P.O. Box 203, Allentown, PA 18101.

MC 134709 (Sub-5-1TA), filed April 20, 1981. Applicant: ROWLAND CONSTRUCTION CO., INC., 801 West Main Street, Wilburton, OK 74578. Representative: C. L. Phillips, Room 248, Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Machinery, Materials, Equipment and Supplies, incidental to, or used in, the construction, development, operation and maintenance of facilities for the discovery, development and production of natural gas and petroleum*, between points in TX., on the one hand, and on the other, points in OK. Applicant intends to tack with its presently held authority. Supporting shipper: Dual Drilling Co., Inc., Wichita Falls, TX 76307.

MC 135078 (Sub-5-12TA), filed April 20, 1981. Applicant: AMERICAN TRANSPORT, INC., 7850 "F" Street, Omaha, NE 68127. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. *Paperboard containers or boxes*, from the Commercial Zone of Kansas City, MO, to the Commercial Zones of Omaha, NE, and Council Bluffs, IA. Supporting shipper: Owens Illinois, Inc., 1401 Iron Street, North Kansas City, MO 64116.

MC 136786 (Sub-5-56TA), filed April 20, 1981. Applicant: ROBCO TRANSPORTATION, INC., P.O. Box 10375, Des Moines, IA 50306.

Representative: Larry D. Knox, Myers, Knox & Hart, 600 Hubbell Building, Des Moines, IA 50309. (1) *conveyer belts, and (2) equipment, materials, and supplies used in the manufacture, distribution, or sale of the commodities in (1)*, from Charlotte, NC to pts in the county of Polk, IA. Supporting shipper: All-State Belting Co., Inc., 800 S. 19th Street, West Des Moines, IA 50265.

MC 138469 (Sub-5-41TA), filed April 20, 1981. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 74107. Representative: Daniel O. Hands, (attorney at law), Suite 200-A, 205 W. Touhy Ave., Park Ridge, IL 60068. *Chemicals and related products (1)* from San Carlos, CA to the facilities of Industrial Chemical Labs, Inc. at Seattle, WA and (2) between the facilities of Industrial Chemical Labs, Inc. at Omaha, NE, on the one hand, and, on the other, points in the U.S. Supporting shipper: Industrial Chemical Labs, Inc., 1015 N. 14th Street, Omaha, NE 68102.

MC 141312 (Sub-5-4TA), filed April 20, 1981. Applicant: DOKTER TRUCKING CORP., P.O. Box 408, Weeping Water, NE 68463. Representative: Bradford E. Kistler, P.O. Box 82028, Lincoln, NE 68501 (402) 475-6761. *Ammonium nitrate*, from Jasper, Marion and Pike Counties, MO; Clinton County, IA; and Cherokee County, KS, to the facilities of Explo-Midwest, Inc. at or near Weeping Water, NE. Supporting shipper: Explo-Midwest, Inc., Weeping Water, NE 68463.

MC 144246 (Sub-5-2TA), filed April 20, 1981. Applicant: LARSEN TRUCKING INC., 7703 Sunset Drive, Omaha, NE 68127. Representative: James F. Crosby & Associates, 7363 Pacific Street, Suite 210B, Omaha, NE 68114. *Wire*, between the facilities of Eastern International, Fenton, MO, on the one hand, and, on the other, pts in OH, IN, WI, IL, MN, IA, ND, SD, NE, KS, OK, TX, and CO. Supporting shipper: Eastern International, 965 Horan Drive, Fenton, MO 63026.

MC 148152 (Sub-5-7TA), filed April 20, 1981. Applicant: K & H TRUCKING, INC., 3301 So. Lamar St., Dallas, TX. 75215. Representative: Edmond E. Payne (same as applicant). (1) *Paint Coatings (2) Equipment, and supplies used in the manufacture, sale, and distribution of Paint Coatings (Except Commodities in Bulk)*, From points in IL, IN, TN, GA, CT, WV, FL, NC, and SC, to AL. Restricted to shipments originating at or destined to the facilities of Midland Division, The Dexter Corp. Supporting shipper: Midland Division, The Dexter Corp., P.O. Box 9468, Birmingham, AL 35215.

MC 149333 (Sub-5-4TA), filed April 20, 1981. Applicant: RICKY SHAW & SONS TRANSPORTATION COMPANY, INC.,

500 Bennington Avenue, Kansas City, MO 64125. Representative: Arthur J. Cerra, 2100 CharterBank Center, P.O. Box 19251, Kansas City, MO 64141. *Rubber Products*, between the Commercial Zone of Chicago, IL, on the one hand, and, on the other, points in the U.S. Supporting shipper: Park Rubber Company, 80 Genessee Street, Lake Zurich, IL 60047.

MC 150800 (Sub-5-3TA), filed April 20, 1981. Applicant: BAY'S TEXACO SERVICE & SUPPLY INC., 116 E. Osage Street, Pacific, MO. 63069. Representative: Miles E. Bay (same as applicant). (1) *Hardboard, Particleboard, Plain or Covered, Cut to Size, materials used in the manufacturing of Hardboard. (2) Metal Tubing, Plastics, Raw and Finished products used in the manufacturing of Baby Carriages*. Between all Points in MO to all Points in AL, AR, IA, IL, IN, KS, LA, MA, MS, MO, NH, NJ, NY, OK, TN, and TX. Supporting shipper's: Midwest Hardboard Fabricators, 1 Midwest Industrial Court, Pacific, MO. 63069; and Welsh Co., 1535 S. 8th Street, St. Louis, MO. 63104.

MC 150999 (Sub-5-4TA), filed April 20, 1981. Applicant: GENE F. LACAËYSE, d.b.a. G. F. Lacaeyse Transport, R. R. #2, Box 110, Montezuma, IA 50171. Representative: Ronald R. Adams, 600 Hubbell Building, Des Moines, IA 50309. *Such commodities as are dealt in by food business houses, and (2) materials, equipment, and supplies used in the manufacture, distribution, or sale of the commodities in (1) above*, between the facilities of Oscar Mayer & Company and its subsidiaries, on the one hand, and, on the other, all Points in the U.S. Supporting shipper: Oscar Mayer & Company, P.O. Box 7188, Madison, WI 53707.

MC 152418 (Sub-5-2TA), filed April 20, 1981. Applicant: FLOUR TRANSPORT, INC., 5218 Denison Street, Muskogee, OK 74401. Representative: C. L. Phillips, Room 248—Classen Terrace Bldg., 1411 N. Classen, Oklahoma City, OK 73106. *Contract, Irregular. Such commodities as are dealt in by milling companies*, Between Shawnee, OK, on the one hand, and on the other, points in AR and TX, under a continuing contract with Shawnee Milling Co. of Shawnee, OK.

MC 153395 (Sub-5-2TA), filed April 20, 1981. Applicant: CHAR-LINE CORPORATION, 816 E. Funston, Wichita, KS 67211. Representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. *Plastic articles and materials and supplies used in the manufacture of such items*. Between the facilities of Ritricia Plastic

Corporation, of Wichita, KS, on the one hand, and on the other, points and places in the States of IN and MO. Supporting shipper(s): Ritricia Plastic Corporation, 816 E. Funston, Wichita, KS 67211.

MC 153913 (Sub-5-2TA), filed April 20, 1981. Applicant: MISSOURI ALCOHOL FUEL, INC., 408 Thompson Bldg., Tulsa, OK 74103. Representative: Robert J. Wiruth, 408 Thompson Bldg., Tulsa, OK 74103. *Liquid fertilizer* between all points in MO and KS. Supporting shipper: Chevron Chemical Co., Ft. Madison, IA 52627.

MC 154104 (Sub-5-2TA), filed April 20, 1981. Applicant: THREE RIVERS EXPRESS, INC., 509 West Cherokee, Wagoner, OK 74467. Representative: Farrell Rosson, Three Rivers Express, Inc., 509 West Cherokee, Wagoner, OK 74467. Contract; Irregular. *Steel pipe, flat steel plate and steel fabricated products*, between points in the U.S. under bilateral contracts with LaBarge, Inc., Tubular Division, 20 S. Fourth St., St. Louis, MO.

MC 154696 (Sub-5-3TA), filed April 20, 1981. Applicant: SILLIMAN BROS. FREIGHT CO., INC., Route 1, Box 150, Bernie, MO 63822. Representative: B.W. LaTourette, Jr., 11 S. Meramac, Suite 1400, St. Louis, MO 63105. *Anhydrous Ammonia* between Blytheville, AR, and Woodstock, TN on the one hand, and on the other, Dexter, MO. Supporting shipper: Fleeman Farm Supply, Inc., Dexter, MO 63841.

MC 155287 (Sub-5-1TA), filed April 20, 1981. Applicant: GARY B. FLOSS, d.b.a. FLOSS TRUCKING, 2235 Lincoln, Lot 27, Cedar Falls, IA 50613. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. *Mobile Homes*, from Marshfield, Lancaster, Spencer, and Dorchester, WI; Grand Island, and Aurora, NE; and Redwood Falls and Blue Earth, MN to pts in Black Hawk County, IA. Supporting shippers: Joe Reuter Mobile Homes, 2520 Falls Ave., Waterloo, IA 52701; Green Acres, Old Highway 20 East, Cedar Falls, IA 50613; and McGowan Mobile Homes, 3766 West Airline Highway, Waterloo, IA 52701.

MC 155392 (Sub-5-1TA), filed April 20, 1981. Applicant: TRIPLE S GRAIN & LIVESTOCK, INC., Route 2, Box 14, Colby, KS. 67701. Representative: Clyde N. Christey, Ks. Credit Union Bldg., 1010 Tyler, Suite 110L, Topeka, KS. 66612. Contract irregular Part 1) *wooden boxes & pallets & lumber & supplies & materials useful in the manufacture of wooden boxes & pallets. Part 2) clothing, garments, fabrics & articles & materials useful in the manufacture of clothing & garments*, between Ellis County, KS on

the one hand and points and places in the U.S. (except AK & HI) on the other hand. Supporting shipper: Developmental Services of Northwest Kansas, Inc., P.O. Box 1016, Hays, KS 67601.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12607 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the

Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the applications later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-131

Decided: April 21, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler and Taylor. (Taylor not participating.)

MC 155310, filed April 10, 1981. Applicant: ACL AGENCIES, INC., 80 Pine Street, New York, NY 10005. Representative: O.I.M. Porton (same address as applicant), (212) 908-2200. As a *broker of general commodities* (except household goods), between points in the U.S.

MC 155320, filed April 13, 1981. Applicant: WILLIAM C. CLEMENTS, INC., 4529 Old Court Rd., Baltimore, MD 21208. Representative: William C. Clements (same address as applicant), (301) 655-7095. *Transporting food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155330, filed April 15, 1981. Applicant: MINNESOTA-PACIFIC, INC., 710 West 4th St., Rush City, MN 55069. Representative: Robert H. Odgaard, Jr., (same address as applicant), (612) 358-

4337. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

MC 155331, filed April 14, 1981.
Applicant: ELBERT AND JOSEPHINE CRUMBLE, d.b.a. JO-EL TRUCKING, 4841 West Lexington Street, Chicago, IL 60644. Representative: Josephine Crumble (same address as applicant), (312) 378-5554. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Volume No. OPY-2-052

Decided: April 20, 1981.

By the Commission Review Board No. 1. Members Parker, Chandler and Taylor.

MC 126453 (Sub-2), filed April 9, 1981.
Applicant: DISTRICT MOVING & STORAGE, INC., 3805 Penn Belt Place, Forestville, MD 20028. Representative: James J. Frattino, P.O. Box 82, Edgewater, MD 21037, (301) 261-7227. Transporting for or on behalf of the United States Government *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151132 (Sub-7), filed April 6, 1981.
Applicant: AMERICAN WESTERN TRANSPORT, INC., 805 West 2400 South, Salt Lake City, UT 84119. Representative: Chester A. Zyblut, 368 Executive Building, 1030 Fifteenth St., NW., Washington, DC 20005, (202) 296-3555. Transporting for or on behalf of the United States Government *general commodities* (except used household goods), hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 151382 (Sub-2), filed April 6, 1981.
Applicant: LAND TRUCKING COMPANY, 1560 Jessie St., Jacksonville, FL 32206. Representative: Martin Sack, Jr., 203 Marine National Bank Bldg., 311 W. Duval St., Jacksonville, FL 32202, (904) 353-9707. As a *broker of general commodities* (except household goods) between points in the U.S.

MC 155282F, filed April 14, 1981.
Applicant: J & J CONSULTING SERVICES, INC., P.O. Box 23053, New Orleans, LA 70183. Representative: Robert J. Gallagher, 1000 Connecticut Ave., NW., Suite 1200, Washington, DC

20036, (202) 463-6044. As a *broker of general commodities* (except household goods) between points in the U.S.

Volume No. OPY-3-05

Decided: April 21, 1981.

By the Commission, Review Board No. 2. Members Carleton, Fortier and Williams.

MC 138875 (Sub-301), filed April 10, 1981. Applicant: SHOEMAKER TRUCKING COMPANY, a corporation, 11900 Franklin Rd., Boise, ID 83709. Representative: Patricia A. Russell (same address as applicant), (208)-376-5757. Transporting for or on behalf of the U.S. Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

MC 155284, filed April 13, 1981.
Applicant: CROWN TRANSPORT, INC., 94 Sundale Circle, P.O. Box 113, Paragould, AR 72450. Representative: William D. Shipley (same address as applicant), (501) 239-9059. Transporting *general commodities* (except classes A and B explosives), between Mintz, NC, Primrose and Luthersville, GA, Cardwell, Arbyrd, and Hornersville, MO, McHenry, ND, Narcisso, Russellville, and Roaring Springs, TX, Raymond, Oakley, Adams, and Myles, MS, and Snyder and Hamburg, AR, on the one hand, and, on the other, points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12006 Filed 4-28-81; 8:45 am]
BILLING CODE 7035-01-M

[Volume No. 69]

Motor Carriers; Permanent Authority Decisions; Restriction Removals, Decision-Notice

Decided: April 23, 1981.

The following restriction removal applications, filed after December 28, 1980, are governed by 49 CFR 1137. Part 1137 was published in the Federal Register of December 31, 1980, at 45 FR 86747.

Persons wishing to file a comment to an application must follow the rules under 49 CFR 1137.12. A copy of any application can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the restriction removal applications are not allowed.

Some of the applications may have been modified prior to publication to conform to the special provisions applicable to restriction removal.

Findings

We find, preliminarily, that each applicant has demonstrated that its requested removal of restrictions or broadening of unduly narrow authority is consistent with 49 U.S.C. 10922(h).

In the absence of comments filed within 25 days of publication of this decision-notice, appropriate reformed authority will be issued to each applicant. Prior to beginning operations under the newly issued authority, compliance must be made with the normal statutory and regulatory requirements for common and contract carriers.

By the Commission, Restriction Removal Board, Members Sporn, Alsbaugh, and Shaffer.

Agatha L. Mergenovich,
Secretary.

MC 3062 (Sub-56)X, filed April 6, 1981.
Applicant: INMAN FREIGHT SYSTEM, INC., 321 North Spring Avenue, Cape Girardeau, MO 63701. Representative: G.H. Boles (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 12, 33, 41 and 43 certificates to (1) authorize service to all intermediate points along described regular routes between Memphis, TN and Kennett, MO in Sub-No. 12; Hayti, MO and Dyersburg, TN and Cairo, IL in Sub-No. 33; Paducah, KY and Memphis, TN, Cairo, IL, St. Louis, MO, and Evansville, IN in Sub-No. 41, and between Dyersburg and Humboldt, TN and a junction in TN and Memphis, TN in Sub-No. 43F; (2) remove the originating at, destined to or interchanged at Dyersburg, Humboldt and Memphis, TN restrictions in Sub-Nos. 33 and 43, (3) remove a restriction "for joinder purposed only", in Sub-Nos. 12 and 33 and (4) remove the restrictions (a) against transportation of forgings from Humboldt, TN to Evansville, IN, in Sub-No. 43; (b) and remove the following restrictions in Sub-No. 12: Restricted against service at any point on MO Hwy 25 between Malden, MO., and the Dunklin-Stoddard County line; against service at Matthews and at any point on MO Hwy 105 and MO Hwy N between Matthews junction (junctions of Missouri Highway N and U.S. Highway 61 and 62) and the New Madrid-Mississippi County line; and against combination of the involved routes with any of its presently authorized routes so as to preform a radial through service between Memphis, TN, and St. Louis, MO, and points within the St. Louis MO-East St. Louis, Ill., Commercial Zone as defined by the Commission.

Note.—Carrier's authority to tack will be governed by 49 CFR 1042.

MC 8472 (Sub-11)X, filed April 16, 1981. Applicant: SOUTH END CARTAGE, INC., 4222 South Knox Avenue, Chicago, IL 60632. Representative: H. Neil Garson, 3251 Old Lee Highway, Fairfax, VA 22030. Applicant seeks to remove restrictions in its lead and Sub-No. 5F and 7F certificates to (1) broaden the commodity descriptions from bananas, coconuts and pineapples, in mixed loads to "food and related products and farm products" in the lead, and from general commodities with the usual exceptions to "general commodities except classes A and B explosives" in the lead and Sub-Nos. 5F and 7F; (2) remove "in containers" and "in intermodal containers, without chassis" restrictions in Sub-Nos. 5F and 7F; (3) remove restrictions limiting service to the transportation of traffic having a prior or subsequent movement by rail or water in the lead and Sub-No. 7F; (4) remove the steamship and rail facilities limitation at points in Illinois in Sub-No. 5F; (5) remove the restriction against the transportation of trailers with fixed under frames in Sub-No. 7F; and (6) replace existing one-way authority with radial authority between Chicago, IL and 6 midwestern states in the lead.

MC 64373 (Sub-14)X, filed April 20, 1981. Applicant: CLARKSON BROS. MACHINERY HAULERS, INC., P.O. Box 788, Cowpens, SC 29330. Representative: Edward P. Bocko, P.O. Box 496, Mineral Ridge, OH 44440. Applicant seeks to remove restrictions in its Sub-No. 8G certificate to broaden the commodity description to "commodities which, because of size or weight, require the use of special equipment" from used or second-hand textile machinery.

MC 70267 (Sub-19)X, filed April 8, 1981. Applicant: ECKERT TRUCKING, INC., 1090 E. Springettsburg Ave., York, PA 17403. Representative: David Zimmerman (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 15, 16F, and 17F certificates to (1) broaden its commodity descriptions: from roofing, building paper, asphalt, insulating material, etc., to "building materials" in the lead and Sub-No. 16F; from fertilizer and feed to "farm products" in the lead; from canned goods and sugar to "food and related products" in the lead; from bricks, clay products, etc., to "glass, concrete, clay or stone products" in the lead; from steel plates, etc., to "metal products" in the lead; and to add "materials, equipment, and supplies used in the manufacture and distribution of contractor's equipment, materials, and supplies" in Sub-No. 15; (2) remove

restrictions against the transportation of named commodities, such as machinery, acids, petroleum products, etc., in Sub-No. 15; (3) remove facilities restrictions in Sub-Nos. 16F and 17F; (4) replace authority to serve named points with county-wide authority: in the lead, York County, PA, for York, West York Borough, Hanover, and Spring Garden Township, PA; Dauphin County, PA, for Harrisburg, PA; Cumberland County, PA, for New Cumberland and Lemoyne, Pa; Gettysburg County, PA, for Gettysburg, PA; Lancaster County, PA, for Ephrata, PA; Franklin County, PA, for Chambersburg, PA; New Castle County, DE, for Wilmington, DE; Montgomery County, MD, for Carterock, MD; Anne Arundel County, MD, for Annapolis, MD; Washington, County, MD, for Hagerstown, MD; Kent and Sussex Counties, DE, for Dover, Milford, and Harrington, DE; Nassau and Sullivan Counties, NY, for Monticello and Manhasset, NY; Cumberland, Gloucester, Hudson, and Ocean Counties, NJ, for Bridgeton, Swedesboro, New Egypt, and Jersey City, NJ; and in Sub-No. 16F, Kane County, IL, for Elgin and Hampshire, IL; (5) remove the restriction against service to AK and HI in Sub-No. 17F, and; (6) replace existing one-way authority with radial authority generally between the above-named counties and points throughout the U.S. in the lead, and Sub-Nos. 16F and 17F.

MC 75627 (Sub-5)X, filed April 8, 1981. Applicant: PERILLO MOTOR LINES, INC., 499 Central Avenue, New Providence, NJ 07974. Representative: Grace A. Perillo (same as applicant). Applicant seeks to remove restrictions in its lead and Sub-Nos. 1 and 4 certificates to (1) broaden the commodity descriptions from general commodities (with exceptions) to "general commodities (except classes A and B explosives)," in the lead; (a) from electrical equipment, fittings, and fixtures, and materials, supplies, and equipment used in the production of the commodities in (a) above (except in bulk) to "furniture and fixtures, rubber and plastics products, clay, concrete, glass, or stone products, metal products, and machinery, and materials, supplies, and equipment used in production of the above commodities", in Sub-Nos. 1 and 4 (2); from general commodities, (except household goods, as defined by the Commission, but only in bulk lots comprising the contents, fixtures, fittings, or appurtenances of buildings, office plants, boats, ships, or stores, which have been or are to be, the subject of bulk lot sale, such as a sale of bankrupt stocks, a sale of Government surplus, stocks, or a sale under order of

authority are necessary for completion of a particular undertaking) to "general commodities (except Classes A and B explosives)," in Sub-No. 4 (1); knitting and pressing machines, with parts, equipment, fittings, fixtures, and accessories thereof to "machinery," in Sub-No. 4(3); from soap chemicals, and textile and lubricating oils, in containers to "petroleum, natural gas and their products, and chemicals and related products," in Sub-No. 4(4), and from radios and television sets, incidental parts, batteries and supplies, and electrical equipment to "furnitures, metal products, and machinery, and materials, supplies and equipment used in the production of the above commodities" in Sub-No. 4(5), and (2) authorize radial authority in place of one-way authority between areas in the Northeast in Sub-Nos. 4(1) and 4(4).

MC 106400 (Sub-128)X, filed February 5, 1981, noticed in the Federal Register of February 25, 1981, republished as corrected this issue. Applicant: KAW TRANSPORT COMPANY, P.O. Box 8525, Sugar Creek, MO 64054. Representative: John E. Jandera, P.O. Box 1979, Topeka, KS 66601. Applicant seeks to remove restrictions to (a) broaden the commodity descriptions (1) to "petroleum, natural gas and their products," from liquefied petroleum gas in Sub-Nos. 16 and 27, coal tar pitch and creosote oil in Sub-No. 23, crude oil in Sub-No. 123F, petroleum lube oil, in Sub-No. 124; (2) to "chemicals and related products from anhydrous ammonia, nitrogen fertilizer solution, aqua ammonia, methanol and anti-freeze preparation in Sub-No. 12, printing ink in Sub-No. 91, acids and chemicals in Sub-No. 17, dry phosphate and phosphoric acid in Sub-No. 40, nitrogen fertilizer solutions in Sub-No. 47, anhydrous ammonia, ammonium nitrate, urea, nitric acid, sulphuric acid and fertilizer solutions in Sub-No. 54, chemicals in Sub-Nos. 59, 78, 92, 102, 114F, 115F, 118F, and 119F, liquid chemicals in Sub-No. 71, dry plastic materials in Sub-No. 76, dry fertilizer and dry fertilizer materials in Sub-No. 86, liquid feed in Sub-No. 109, alcohol in Sub-No. 127F; (3) to "chemicals and related products and petroleum, natural gas, and their products" from asphalt, asphalt cement, asphalt cutback and emulsified asphalt in Sub-No. 121F; (4) to "pulp, paper and related products" from lignin liquor in Sub-No. 82 and (5) to "food and related products" from dry corn and soybean products in Sub-No. 111; (6) to "petroleum and petroleum products" from anhydrous ammonia in Sub-Nos. 61, 69 and 73; and (b) eliminate restrictions in bulk, tank vehicles or

hopper type vehicles in Sub-Nos. 6, 12, 16, 17, 22, 23, 27, 29, 36, 40, 47, 54, 59, 61, 70, 71, 76, 86, 91, 102, 111, 114F, 115F, 118F, 119F, 121F, 123F, 124F, 125F, and 127F, (6) expand the territorial description from one-way to radial authority primarily between midwestern states in Sub-Nos. 12, 17, 22, 23, 27, 29, 36, 40, 47, 54, 59, 61, 69, 70, 71, 73, 76, 78, 82, 86, 91, 102, 111, 114F, 115F, 118F, 119F, 121F, 123F, 124F, 125F and 127F, (7) eliminate the facilities limitations in Sub-Nos. 16, 22, 27, 29, 54, 61, 69, 70, 73, 102, 111, 115F, 121F and 125F and (8) authorize county-wide authority: in Sub-Nos. 12 and 40, Douglas County, KS, for Lawrence, KS, in Sub-No. 27, from Kearney, MO to Clay County, MO, from Moberly, MO to Randolph County, MO, in Sub-No. 36, from Coffeyville, KS, to Montgomery County, KS, from Ava, MO to Douglas County, MO, from Neodasha, KS, to Wilson County, KS, from Chanute, KS to Neosho County, KS; in Sub-No. 47, from Weaverville, MO to Lafayette County, MO; in Sub-No. 69, from Dodge City, KS to Ford County, KS; in Sub-No. 70 from Wathena, KS to Doniphan County, KS; in Sub-No. 73 from Conway, KS to McPherson County, KS; in Sub-No. 86 from Springfield, MO to Green County, MO; and in Sub-No. 121F from Nevada, MO to Vernon County, MO. The purpose of this republication is to indicate that anhydrous ammonia should properly be expanded to "petroleum and petroleum products."

MC 109708 (Sub-105)X, filed April 20, 1981. Applicant: INDIAN RIVER TRANSPORT COMPANY, INC., 2580 Executive Rd., P.O. Box A G, Dundee, FL 33838. Representative: Russell E. Haas (same as applicant). Applicant seeks to broaden the commodity description in its Sub-No. 103X certificate to "commodities in bulk" from food and related products which was broadened from citrus juices, fruit juices, concentrate, and citrus oils (in bulk, in tank vehicles), in its Sub-Nos. 47, 67, and 87F certificates in No. MC-109708 (Sub-No. 103)X. The food and related products grant originally requested by applicant does not encompass all commodities previously authorized in the above sub-numbers.

MC 111231 (Sub-361)X, filed April 6, 1981. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Representative: James H. Berry (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 177, 200, 218 and 273F certificates to (1) eliminate the "in bulk" restriction (2) remove restriction limiting service to the transportation of shipments originating at or destined to

named facilities, (3) replace specified plantsites with county-wide authority to authorize service (a) between Benton County, AR (for Bentonville, AR) and points in AR, KS, LA, MO, OK and TN, in Sub-No. 177, (b) between Benton County (for Bentonville, AR) and points in IL, in Sub-No. 218 and (c) between Anderson County, TX, (Palestine, TX) and points in AR, CO, IL, IA, KS, KY, LA, MI, MO, NE, OK, and TN, in Sub-No. 273F.

MC 111812 (Sub-759)X, filed April 21, 1981. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57104. Representative: R. H. Jinks (same as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 705F certificate to (1) broaden the commodity description from such commodities as are dealt in by retail music store outlets and home entertainment stores to "such commodities as are dealt in by retail stores"; (2) delete the exception of service to AK and HI.

MC 116073 (Sub-384)X, filed April 16, 1981. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Moorhead, MN 56560. Representative: Paul D. Borghesani, 300 Communicana Bldg., 421 So. Second St., Elkhart, IN 46516. Applicant seeks to remove restrictions in its Sub-Nos. 87, and 333 certificates to (1) broaden the commodity descriptions as follows: from trailers designed to be drawn by passenger automobiles to "trailers" in Sub-Nos 87 and 333; from building, in sections mounted on wheeled under carriages, in Sub-No. 87, and from buildings, complete or in sections mounted on wheeled under carriages in Sub-No. 333 to "buildings"; (2) remove restrictions limiting service to secondary movements, in truckaway service, and initial movements in both Sub-Nos.; (3) remove the travel trailers and camping trailers exception in Sub-No. 333; (4) authorize radial service in place of existing one-way authority: between numerous States and points in the U.S. in both Sub-Nos; and (5) delete the restriction excluding HI in both Sub-Nos.

MC 116254 (Sub-326)X, filed April 21, 1981. Applicant: CHEM-HAULERS, INC., P.O. Box 339, Florence, AL 35360. Representative: Fred H. Daly, 2550 M Street, N.W., Suite 475, Washington, D.C. 20037. Applicant seeks to remove restrictions in its Sub-No. 316F certificate to delete the restriction limiting transportation to "commodities in bulk" from its authority to transport chemicals and petroleum and coal products.

MC 118089 (Sub-45)X, filed March 24, 1981, previously noticed in the Federal Register of April 6, 1981, republished as corrected in this issue. Applicant: ROBERT HEATH TRUCKING, INC., P.O. Box 2501, 2909 Avenue "C", Lubbock, TX 79408. Representative: Charles M. Williams, 350 Capitol Life Center, 1600 Sherman Street, Denver, CO 80203. Applicant seeks to remove restrictions in its lead and Sub-Nos. 11, 12, 16, 17, 18, 24, 25, 27F, 28, 29F, 32F, 33F, 35F, 38F, 40F, 41F, 41F, and 43F certificates to (1) broaden its commodity descriptions (a) to "food and related products, and materials, equipment and supplies used in the manufacture or distribution thereof", from bananas, meats, meat products, and meat by-products, and articles distributed by meat packinghouses (except hides and commodities in bulk, in tank vehicles), animal feed, feed ingredients, and feed additives (except commodities in bulk, and hides), in the lead certificate and Sub-Nos. 11, 12, 16, 17, 18, 24, 25, 32F, 33F, 35F, 38F, 40F, 42F, and 42F, (b) to "pulp, paper, and related products", from paper and paper articles (except in bulk, in tank vehicles), in Sub-Nos. 28F and 29F, and (c) to "building materials, and materials, equipment and supplies used in the manufacture or distribution thereof", from doors, and materials, equipment and supplies used in the installation of doors, (except in bulk), in Sub-No. 43F; (2) replace its facilities and cities with county-wide authority: in the lead, Gulfport, MS, with Harrison County, MS, Freeport, TX with Brazoria County, TX, Galveston, TX with Galveston County, TX, Roswell, NM with Chaves County, NM, Lubbock, TX with Lubbock County, TX, and Amarillo, TX with Potter and Randall Counties, TX; in Sub-No. 11, facilities of Clovis, NM, with Curry County, NM; in Sub-No. 12, Amarillo, TX, with Potter and Randall Counties, TX; in Sub-Nos. 16, and 18, facilities at or near Cactus, TX, with Moore County, TX; in Sub-Nos. 17, 32F, and 42F, facilities at or near Amarillo, TX, with Potter and Randall Counties, TX; in Sub-Nos. 24, and 25, facilities at or near Wallula, WA, with Walla Walla County, WA; in Sub-No. 28 and 29F, Monroe and West Monroe, LA, with Ouschita Parish, LA; in Sub-No. 33F, facilities at or near Los Angeles and Irvine, CA, with Los Angeles and Irvine, CA; in Sub-No. 35F, facilities at or near Amarillo TX, and Vernon, CA, with Potter and Randall Counties, TX, and Los Angeles County, CA; in Sub-No. 38F, facilities at or near Plainview and Friona, TX, with Hale and Parmer Counties, TX; in Sub-No. 40F, facilities at or near El Paso and Lubbock, TX.

with El Paso and Lubbock Counties, TX; in Sub-No. 41F, Clovis, NM, and Laredo, TX, with Curry County, NM, and Webb County, TX; and in Sub-No. 43F, Tacoma, WA, with Pierce and King Counties, WA; (3) change its one-way authority to radial authority between the named cities and counties and points and specified points in numerous cities, counties, and states throughout the U.S., in each certificate; and (4) eliminate (a) the restriction limiting transportation to shipments in vehicles equipped with mechanical refrigeration, in Sub-No. 27F, (b) the originating at and destined to restrictions, in Sub-Nos. 11, 12, 16, 17, 18, 24, 25, 27F, 32F, and 40F, and (c) the AK and HI exception, in Sub-No. 33F.

MC 121821 (Sub-18)X, filed April 15, 1981. Applicant: TENNESSEE MOTOR LINES, INC., P.O. Box 100363, Nashville, TN 37210. Representative: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Applicant seeks to remove restrictions in its Sub-No. 8F certificate to (1) broaden its commodity description from general commodities with exceptions to "general commodities except classes A and B explosives," and (2) authorize service at all intermediate points on a regular route between Chattanooga and Pulaski, TN.

MC 123329 (Sub-55)X, filed April 13, 1981. Applicant: H. M. TRIMBLE & SONS LTD., P.O. Box 3500, Calgary, Alberta, Canada T2P 2P9. Representative: D. S. Vincent (same address as applicant). Applicant seeks to remove restrictions in its Sub-Nos. 3, 10, 11, 26, 39F, 44F, 48F, and 54F certificates to (1) broaden the commodity description (a) from liquified petroleum gases, in bulk, in tank vehicles in Sub-Nos. 3 and 10 and white oil, in bulk, in tank vehicles, in Sub-No. 26, to "petroleum, natural gas and their products"; (b) from petroleum additives in bulk, in tank vehicles, in Sub-No. 44F, to "petroleum, natural gas and their products and chemicals and related products"; (c) from dimethylamine, in bulk, in Sub-No. 39F, to "chemicals and related products"; (d) from grape juice, in bulk, in tank vehicles in Sub-No. 48F, and from wine concentrate, wine, and grape juice, in bulk, in tank vehicles, in Sub-No. 54F, to "food and related products"; (2) substitute (a) AK First Judicial District for Haines, AK, and AK Fourth Judicial District for Fairbanks, AK, in Sub-No. 3; (b) AK Third Judicial District for Anchorage, AK, in Sub-No. 10; (c) Butler County, PA, for Petrolia, PA, in Sub-No. 26; (d) Santa Rosa County, FL, for Pace, FL, in Sub-No. 39F; (e) Union County, NJ, for Bayway, NJ, in Sub-No. 44F; (f) Van Buren County, MI, for Paw Paw, MI, in Sub-No. 48F; (g)

Ontario and Steuben Counties, NY, for Naples, Canandaigua and Hammondsport, NY, in Sub-No. 54F; (3) remove the restriction to transportation in foreign commerce in Sub-No. 44F; (4) replace specified ports of entry on the International Boundary line between the United States and Canada in the named States to all ports of entry in those States: AK in Sub-Nos. 3 and 10, MN, ND and MT, in Sub-No. 26, ND in Sub-No. 44F, and NY in Sub-No. 54F; (5) replace one-way with radial authority (a) between ports of entry on the International Boundary line between the U.S. and Canada in AK and AK First and Fourth Judicial Districts in Sub-No. 3; (b) AK Third Judicial District and ports of entry on the International Boundary line between the U.S. and Canada in AK in Sub-No. 10; (c) between Butler County, PA and ports of entry on the International Boundary line between the U.S. and Canada in MN, ND, and MT in Sub-No. 26; (d) between Santa Rosa County, FL, and ports of entry on the International Boundary line between the U.S. and Canada in ND in Sub-No. 44F; (f) between Van Buren County, MI, and ports of entry on the between the U.S. and Canada in ND in Sub-No. 48F; and (g) between Ontario and Steuben Counties NY, and ports of entry on the International Boundary line between the U.S. and Canada in ND in Sub-No. 54F.

MC 124236 (Sub-111)X, filed April 3, 1981. Applicant: CHEMICAL EXPRESS CARRIERS, INC., 4645 North Central Expressway, Dallas, TX 75205. Representative: Leroy Hallman, 4555 First National Bank Bldg., Dallas, TX 75202. Applicant seeks to remove restrictions in its lead and Sub-Nos. 2, 3, 4, 6, 8, 14, 15, 17, 18, 19, 21, 24, 25, 27, 29, 30, 32, 34, 35, 37, 38, 39, 42, 44, 45, 47, 48, 49, 54, 55, 56, 57, 62, 63, 66, 67, 68, 69, 72, 73, 74, 76, 78, 80, 81, 85, 89F, 90F, 91F, 92F, 94F, 102F, 103F, 107F and 109F certificates (1) to broaden its commodity descriptions: from asphaltic roofing materials, cement in bags, package, containers, etc. to "building materials" in Sub-Nos. 24; 27; 47, sheet 1, sheet 3 paragraph 3, and sheet 4 paragraph 3; and 76; from salt, in packages and bulk to "commodities in bulk and chemicals and related products" in Sub-No. 39, sheet 13 paragraph 1; from dry chemicals, in bags and mixed loads to "chemicals and related products" in Sub-No. 47, sheet 8 paragraph 4; from fertilizer in bulk and bags, herbicides, fungicides, etc. in bags to "chemicals and related products and commodities

in bulk" in Sub-No. 47, sheet 8 paragraph 5, and sheet 9 paragraphs 1 and 2; from sand, lime, lime in bulk or packages, cement in bulk or packages, etc. to "commodities in bulk and building materials" in Sub-Nos. 2; 3; 4; 6; 8; 15; 18; 19; 21; 25; 29; 30; 32; 35; 38; 44; 47, sheet 2 paragraph 1, sheet 3 paragraphs 2 and 4, sheet 4 paragraphs 1, 3, and 4, sheet 5 paragraph 1, sheet 6 paragraph 1, and sheet 7 paragraph 2; 48; 54; 56; 66; 74; 78; 81 sheet 2; 90F, 91F, 92F; and 94F; from doors, moulding, plate glass, putty, used store fixtures, etc. to "building materials and furniture and fixtures" in Sub-No. 63, sheet 3 paragraphs 1 and 2; and from a variety of commodities, including cement, fly ash, dry fertilizer, activated carbon, feldspar, salt, sand, catalyst, feed, liquid asphalt, urea, soda ash, corn, jet fuel, clay, plastic pellets, limestone, silica sand, ammonium nitrate, barite, petroleum products, all in bulk, to "commodities in bulk" in the lead and Sub-Nos. 14; 17; 37; 39 (except sheet 13, paragraph 1); 42; 45; 47, sheet 2 paragraphs 3, 4, and 5, sheet 3 paragraphs 1 and 3, sheet 4 paragraph 2, sheet 6 paragraph 2, sheet 7 paragraphs 1, 3, and 4, and sheet 8 paragraphs 1, 2, and 3; 49; 55; 57; 63 sheets 1 and 2; 67; 68; 69; 72; 73; 81 sheet 1; 89F; 102F; 103F; 107F; and 109F; (2) to remove restrictions limiting service to transportation in tank, hopper, or dump vehicles where ever they appear in Sub-Nos. 14; 39; 47; 49; 63; 72; 73; 107F; and 109F; (3) to remove restrictions limiting service to the transportation of traffic having a prior movement by rail or water in Sub-Nos. 15; 17; 25; 47, sheet 3 paragraph 2, sheet 4 paragraph 2, and sheet 5; (4) to remove the restriction against the transportation of cement in bulk and packages from named plantsites in TX in Sub-No. 35 sheet 2; (5) to replace existing one-way authority with radial authority between named counties and States, generally in TX, LA, OK, AR, KS, and MO, in the lead and Sub-Nos. 2, 3, 4, 6, 8, 14, 17, 18, 19, 21, 24, 25, 27, 29, 30, 32, 34, 35, 37, 38, 39, 42, 44, 45, 47, 48, 49, 54, 55, 56, 57, 62, 63, 66, 67, 68, 69, 72, 73, 74, 76, 78, 80, 81, 85, 89F, 90F, 91F, 92F, 94F, 103F, 107F and 109F; (6) to remove the restriction against the transportation of Muriatic (hydrochloric acid) in Sub-No. 39, sheet 2 paragraph 2; (7) to remove the "originating at and destined to" restriction in Sub-No. 47, sheet 8; (8) to remove the "mixed load" restriction in Sub-No. 47, sheet 8 paragraph 4, and sheet 9 paragraphs 1 and 2; (9) to remove facilities restrictions, generally at points in TX, in the lead and Sub-Nos. 8; 19; 25; 30; 35; 39, sheet 3 paragraphs 1 and 2, sheet 5, paragraphs 1 and 4, and

sheet 13 paragraph 1; 47, sheet 5 sheet 6 paragraphs 1 and 2, and sheet 7 paragraphs 3 and 4; 48; 49; 56; 57; 62; 63; and 69; (10) remove the restriction prohibiting the carrier from attaching open-flame burners to its vehicles in Sub-No. 47, sheet 22 paragraph 4; and (11) to replace authority to serve named points with county-wide authority: Ellis County, TX for Midlothian, TX in the lead; Lubbock County, TX for Lubbock, TX in Sub-No. 6; Ashley County, AR for Crossett, AR in Sub-No. 14; Ector County, TX for Dour, TX in Sub-Nos. 3 and 18; Tarrant County, TX for Hart Spur, TX in Sub-No. 24; McLennan County, TX for Atco, TX in Sub-No. 30; Nolan County, TX for Maryneal or Sweetwater, TX in the lead and Sub-Nos. 29, 39, and 62; Orange County, TX for Echo, TX in the lead and Sub-No. 34; Mobile County, AL for Mobile, AL in Sub-Nos. 14 and 39; Caddo Parish, LA for Brian, LA in Sub-Nos. 14 and 39; Pulaski County, AR for Little Rock or North Little Rock, AR in Sub-Nos. 14 and 39; Smith County, TX for Tyler, TX in Sub-Nos. 21 and 109F; Calcasieu Parish, LA for Lake Charles or West Lake Charles, LA in Sub-Nos. 39 and 47; McKinley County, NM for Ciniza or Gallup, NM in Sub-Nos. 39 and 45; Morehouse Parish, LA for Bastrop, LA, Scurry County, TX for Snyder, TX, Clark County, AR for Arkadelphia, AR, Jackson County, MS for Pascagoula, MS, Montgomery County, TN for Clarksville, TN, Dyer County, TN for Dyersburg, TN, Shelby County, TN for Memphis, TN, Henry County, TN for Paris, TN, Ettowah County, AL for Gadsden, AL, Tuscaloosa County, AL for Tuscaloosa, AL, Cohoma County, MS for Clarksdale, MS, Adams County, MS for Natchez, MS, Phillips County, AR for Helena or West Helena, AR, Jefferson County, KS for Topeka, KS, Ottawa County, OK for Miami, OK, Union County, AR for El Dorado, AR, Kay County, OK for Ponca City, OK, Grant County, KS for Hickok or Ryus, KS, Fort Bend County, TX for Sugar Land or Missouri City, TX, Galveston County, TX for Texas City, TX, Nueces County, TX for Corpus Christi, TX, Tulsa County, OK for Sand Springs, OK, Creek County, OK for Sapula, OK, Jasper County, MO, for Carthage or Atlas, MO, Chaffee County, CO for Salida, CO, Maverick County, TX for Eagle Pass, TX, Webb County, TX for Laredo, TX, and Ward County, TX for Monahans, TX, in Sub-No. 39; Lea County, NM for Eunice, Johnson Siding, Witco, or Lovington, NM in Sub-Nos. 39 and 73; Jefferson County, TX for Port Neches or Beaumont, TX in Sub-Nos. 39, 47, and 103F; Okmulgee County, OK for Ikmulgee or Henryetta, OK in

Sub-Nos. 39, 47, and 63; Sedgwick County, KS for Wichita, KS in Sub-Nos. 39 and 47; Muskogee County, OK for Muskogee, OK in Sub-Nos. 39 and 47; Van Zandt County, TX for Grand Saline, TX, St. Francois County, MO for River Mines, MO, Independence County, AR for Batesville, AR, Schuyler County, IL for Camden, IL, Acadia Parish, LA for Crowley, LA, Wyandotte County, KS for Muncie, KS, Otero County, CO for Cheraw, CO, Dodge County, NE for Freemont, NE, Ida County, IA for Ida Grove, IA, Fairfield County, OK for Enid, OK, Crawford County, AR for VanBuren, AR, Audrain County, MO for Mexico, MO, Jefferson County, MO for Horne, MO, Buchanan County, MO for St. Joseph, MO, Douglas County, KS for Lawrence, KS, Moore County, TX for Etter, TX, Ouachita Parish, LA for Sterlington, LA, Yazoo County, MS for Yazoo City, MS, Angelina County, TX for Dolan, TX, Douglas County, IL for Tuscola, IL, Midland County, MI for Midland, MI, Fayette County, TX for Flatonia, TX, Milam County, TX for Sandow, TX, Colorado County, TX for Eagle Lake, TX, Harris County, TX for Sheldon, Alameda, and Hockley, TX, Newton County, TX for Deweyville, TX, Kleberg County, TX for Riviera, TX, Jefferson County, AL for Birmingham, AL, and Scotts Bluff County, NE for Scottsbluff, NE in Sub-No. 39; Plaquemines Parish, LA for Belle Chasse or Venice, LA in Sub-Nos. 39 and 47; Harrison County, TX for Marshall, TX in Sub-Nos. 39 and 42; Tulsa and Osage Counties, OK for Tulsa, OK in Sub-Nos. 39, 47, and 63; Mayes County, OK for Pryor, OK in Sub-Nos. 39, 47, 92F, and 94F; Lincoln County, OK for Stroud, OK, Sebastian County, AR for Fort Smith, AR, Payne County, OK for Cushing, OK, Pontotoc County, OK for Ada, OK, Washington County, OK for Dewey, OK, Woodward County, OK for Woodward, OK, Wilson County, KS for Freedonia, KS, Henry County, MO for LaDuc, MO, Saline County, AR for Bauxite, AR, Union County, AR for El Dorado, AR, Barton County, KS for Great Bend, KS, Ellis County, KS for Hayes, KS, Barker County, KS for Medicine Lodge, KS, Greenwood County, KS for Eureka, KS, La Bette County, KS for Parsons, KS, Bossier Parish, LA for Bossier City, LA, Lafayette Parish, LA for Lafayette, LA, Victoria County, TX for Victoria, TX, Terrebonne Parish, LA for Houma, LA, Jim Wells County, TX for Alice, TX, Caldwell County, TX for Luling, TX, Anderson County, TX for Palestine, TX, Gregg County, TX for Kilgore, TX, Matagorda County, TX for Bay City, TX, and Hunt County, TX for Greenville, TX in Sub-No. 47; Sequoyah County, OK for

Sallisaw or Marble City, OK in Sub-Nos. 47, 48, 49, and 78; Johnson County, OK for Mill Creek, OK in Sub-Nos. 47, 55, 67, and 81; Titus County, TX for Mount Pleasant, TX in Sub-Nos. 69 and 107F; Freestone County, TX for Wortham or Fairfield, TX in Sub-Nos. 68 and 69; Cherokee County, KS for Military, KS in Sub-Nos. 39 and 47; Hidalgo County, TX for Mission or Hidalgo, TX in Sub-Nos. 47 and 90F; Wichita County, TX for Witchita Falls, Electra, or Burkburnett, TX in Sub-Nos. 63; Stephens County, OK for Sunray, OK in Sub-No. 63; Pawnee County, OK for Cleveland, OK in Sub-No. 63; Creek County, OK for Bristow, OK in Sub-No. 63; Montgomery County, KS for Coffeyville, KS in Sub-No. 67; Marshall County, OK for Madril, OK in Sub-No. 68; Bernalillo County, NM for Albuquerque, NM in Sub-No. 73; Taos County, NM for Molybdenum NM in Sub-No. 73; Potter County, TX for Amarillo, TX, in Sub-No. 81; Hot Springs County, AR for National, AR in Sub-No. 89F; Bienville Parish, LA for Arcadia, LA in Sub-No. 103F; and Ouachita Parish, LA for Monroe, LA in Sub-No. 109F.

MC 124774 (Sub-137)X, filed April 9, 1981. Applicant: MIDWEST REFRIGERATED EXPRESS, INC., 4440 Buckingham Avenue, Omaha, NE 68107. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114. Applicant seeks to remove restrictions in its Sub-Nos. 86 and 99 certificates to (1) broaden the commodity description to "such commodities as are dealt in by department, hardware or chain stores," from games, toys, hobby and craft articles, gym sets, wading pools, and children's vehicles; (2) eliminate the plantsite restrictions at Des Moines, IA, and Omaha, NE in both Sub-Nos; and (3) authorize radial authority to replace existing one-way service between various combinations of States and the above points in both certificates.

MC 126869 (Sub-4)X, filed April 13, 1981. Applicant: M & W TRUCKING, INC., P.O. Box 58, Bowden, GA 30108. Representative: Robert E. Born, Suite 508, 1447 Peachtree St. NE., Atlanta, GA 30309. Applicant seeks to remove restrictions in its Sub-Nos. 1 and 3 permits to (1) broaden the commodity description from solid and semi-pneumatic tires, plastic or rubber handle bar grips, pedals and mud flaps, plastic streamers and wheels, steel wheels, and wheels mounted with solid or semi-pneumatic tires, and materials, equipment, and supplies used in the production thereof in Sub-Nos. 1 and 3, and from rubber and plastic tile and

floor products and wall facing strips, and materials equipment and supplies used in the production thereof in Sub-No. 3, to "rubber and plastic products and metal products"; and (2) broaden the territorial description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 128133 (Sub-32)X, filed April 13, 1981. Applicant: H. H. OMPS, INC., Route 7, Box 295, Winchester, VA 22601. Representative: Jeremy Kahn, 733 Investment Building, 1511 K St., NW., Washington, DC 20005. Applicant seeks to remove restrictions in its Sub-No. 28 certificate to broaden the commodity description in part (1) to "food and related products" from apple products and distilled vinegars, on its radial authority between VA, and, points 9 States and DC.

MC 138157 (Sub-275)X, filed April 16, 1981. Applicant: SOUTHWEST EQUIPMENT RENTAL, INC., d.b.a. SOUTHWEST MOTOR FREIGHT, 2931 South Market St., Chattanooga, TN 37410. Representative: Patrick E. Quinn (same as applicant). Applicant seeks to remove restrictions in its MC-134150 Sub-No. 6 permit to: (1) broaden the commodity description to "such commodities as are sold by retail fabric stores and materials, supplies and equipment utilized in the installation and operating of retail fabric stores" from such merchandise as is sold by retail fabric stores and supplies and (2) broaden the territorial description to "between points in the US" under continuing contract(s) with a named shipper.

MC 140615 (Sub-65)X, filed April 21, 1981. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Representative: Dennis C. Brown (same as applicant). Applicant seeks to remove restrictions in its Sub-No. 56 Certificate to (1) delete the restriction against the transportation of commodities in bulk, and (2) authorize the transportation of "food and related products and chemicals and related products" in conjunction with its authority to transport pets, animals, supplies and equipment.

MC 141033 (Sub-90)X, filed April 20, 1981. Applicant: CONTINENTAL CONTRACT CARRIER CORP., P.O. Box 1257, City of Industry, CA 91749. Representative: Richard A. Peterson, P.O. Box 81849, Lincoln, NE 68501. Applicant seeks to remove restrictions from its Sub-No. 58 certificate which authorizes the transportation of such commodities as are dealt in by appliance manufacturers (except iron and steel articles) from IL and IN to

points in the U.S. (except AK and HI) to (1) eliminate the iron and steel articles exception; (2) authorize radial authority in place of one-way authority; and (3) remove the AK and HI exception.

MC 143059 (Sub-175)X, April 17, 1981. Applicant: MERCER TRANSPORTATION CO., P.O. Box 35610, Louisville, KY 40232. Representative: Kenneth W. Kilgore (same address as applicant). Applicant seeks to remove restrictions in its Sub-No. 136F certificate to broaden part (1) of the commodity description from plastic, plastic articles, pipe, fittings and connections to "rubber and plastic products, clay, concrete, glass, or stone products, and metal products".

MC 143185 (Sub-4)X, filed April 13, 1981. Applicant: CHARLES G. LAWSON TRUCKING, INC., P.O. Box 2805, Montgomery, AL 36105. Representative: William P. Jackson, Jr., P.O. Box 1240, Arlington, VA 22210. Applicant seeks to remove restrictions in its Sub-No. 3F permit to (1) broaden the commodity description from meats, meat products, meat by-products, and articles distributed by meat packinghouses as described in Section A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), to "food and related products"; and (2) broaden the territory description to between points in the U.S. under continuing contract(s) with a named shipper.

MC 145773 (Sub-10)X, filed April 10, 1981. Applicant: KIRK BROS. TRANSPORTATION, INC., 800 Vandemark Rd., Sidney, OH 45365. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215. Applicant seeks to remove restriction in its lead and Sub-No. 1F permit to (1) broaden the commodity description from refrigeration compressors and condensing units, scrap materials, household dishwashers, parts for household dishwashers, household compactors, food processing equipment, computing scales, and commercial refrigerators, and materials, equipments, and supplies used in the manufacture and distribution thereof to "machinery, electrical equipment and supplies, parts, accessories and attachments, scrap materials and equipment, materials and supplies used in the manufacture of said commodities" (2) remove the in bulk, in tank vehicles restriction in the lead and in bulk restriction in Sub-No. 1; and (3) broaden the territorial description to between points in the U.S. in the lead and between points in the U.S. under continuing contract(s) with a named shipper in Sub-No. 1.

MC 145904 (Sub-37)X, filed April 10, 1981. Applicant: SOUTH WEST LEASING, INC., 170 West 18th Street, Waterloo, IA 50704. Representative: Stanley C. Olsen, Jr., 5200 Willson Road, Ste. 307, Edina, MN 55424. Applicant seeks to remove restrictions in its Sub-Nos. 25F, 28F, 29F, 30F, 31F, 32F and 34F certificates to: (A) broaden the commodity descriptions as follows: in Sub-Nos. 25F, 30F, 31F and 34F, from general commodities, with exceptions, to "general commodities (except classes A and B explosives)"; in Sub-No. 29F, from foundry supplies, refractories, sand, clay and abrasives, to "ores and minerals, chemicals and related products, clay, concrete, glass or stone products, machinery and waste or scrap materials not identified by industry producing"; (B) remove restrictions (a) against commodities in bulk and/or hides in Sub-Nos. 28F, 29F, and 32F and (b) requiring use of mechanically refrigerated vehicles in Sub-No. 28F; (C) broaden the territorial scope by replacing one way with radial authority in Sub-Nos. 25F, 28F, 29F, 30F and 32F and replacing city wide and/or facilities with country-wide authority as follows: in Sub-No. 29F, Jacksonville with Calhoun County, AL; Aurora with Kane and Kendall Counties, Joliet with Will County, Moline with the Davenport, IA and Rock Island-Moline, IL commercial zone; Seneca and Wedron with LaSalle Counties and Quincy with Adams County, IL; Hammond with Lake County, IN; Atchison with Atchison County, KS; Mt. Savage with Allegany County, MD; Adrain with Lenawee County, MI; Farber and High Hill with Audrain and Montgomery Counties, MO; Southard with Blaine County, OK and Curwensville, Mt. Union and Womelsdorf with Clearfield, Huntington and Berks Counties, PA; and in Sub-No. 32F, Shakopee with Scott County, MN; and (D) remove the restriction limiting traffic to transportation originating at and destined to named points in Sub-Nos. 25F, 28F, 29F, 30F, and 32F.

MC 147400 (Sub-8)X, filed April 16, 1981. Applicant: RAEMARC, INC., 1903 Chicory Road, Racine, WI 53403. Representative: William D. Brejcha, Suite 1600, 10 South LaSalle Street, Chicago, IL 60603. Applicant seeks to remove restrictions in its Sub-No. 4F certificates to (1) broaden the general commodities description (with the usual exceptions) to "general commodities (except classes A and B explosives)"; and (2) remove the restriction limiting service to the transportation of traffic have an immediately prior or subsequent movement by rail or water.

MC 147782 (Sub-1)X, filed April 13, 1981. Applicant: ROSS TRANSPORT CO., INC., 10 East Oregon Ave., Philadelphia, PA 19148. Representative: Richard Rueda, 133 North 4th St., Philadelphia, PA 19106. Applicant seeks to remove restrictions in its No. MC-35706 Sub-Nos. 4, 5, 6, and 9F certificates acquired in MC-78146 to (1) broaden its commodity descriptions from juvenile furniture, juvenile vehicles (except commodities in bulk), and new furniture, to "furniture and fixtures, and miscellaneous products of manufacturing", in all of the above sub-numbers; (2) replace its cities and facilities with county-wide authority (a) in Sub-No. 4, facilities at Bedford and Philadelphia, PA, with Bedford County, PA and Philadelphia, PA, (b) in Sub-No. 5, facilities at Elverson and Hellam, PA, with Chester and York Counties, PA, (c) in Sub-No. 6, facilities in Philadelphia, PA, with Philadelphia, PA, and (d) in Sub-No. 9F, facilities at Granville, NY, with Washington County, NY; (3) change its one-way to radial authority between the above named counties, and points in several specified northeastern States and DC, in Sub-Nos. 4, 6, and 9F; and (4) eliminate the originating at and destined to restriction in Sub-No. 4.

MC 147812 (Sub-2)X, filed April 13, 1981. Applicant: ANTHONY W. DAUITO, d.b.a. DAUITO'S EXPRESS, 3528 Northwest Blvd., Vineland, NJ 08360. Representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh St. NW., Washington, DC 20001. Applicant seeks to remove restrictions in its Sub-No. 1 certificate to (A) remove all restrictions in its general commodities authority "except classes A and B explosives," and (B) remove the restriction limiting service to the transportation of traffic having an immediately prior or subsequent movement by rail, on its radial operations between Alexandria, VA, and, New York, NY, and Philadelphia, PA.

[FR Doc. 81-12809 Filed 4-28-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register of December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under

49 CFR 1100.252. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings

With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication, (or, if the application later becomes unopposed) appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OP1-130

Decided: April 21, 1981.

By The Commission, review Board No. 1. Members Parker, Chandler and Taylor (Taylor not participating.)

MC 2860 (Sub-220), filed April 14, 1981. Applicant: NATIONAL FREIGHT, INC., 71 West Park Ave., Vineland, NJ 08360. Representative: Richard M. Parnicky (same address as applicant), (609) 691-7000. Transporting *general commodities* (except classes A and B explosives), between the facilities of U.S. Gypsum Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 2960 (Sub-48), filed April 13, 1981. Applicant: ENGLAND TRANSPORTATION CO. OF TEXAS, INC., 2301 McKinney, Houston, TX 77023. Representative: Edwin M. Snyder, P.O. Box 45538, Dallas, TX 75245, (214) 358-3341. Transporting *general commodities* (except classes A and B explosives), between points in TX, LA and OK.

MC 17470 (Sub-3), filed April 13, 1981. Applicant: NEW YORK MASSACHUSETTS MOTOR SERVICE, INC., 83 Progress St., P.O. Box 3687, Springfield, MA 01101. Representative: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Transporting *general commodities* (except classes A and B explosives), between points in ME, NH, VT, MA, RI, CT, NY, NJ, and PA.

MC 26120 (Sub-10), filed April 15, 1981. Applicant: GEORGE L. HOOKER, INC., Tuscarawas Rd., Uhrichsville, OH 44683. Representative: Richard H. Brandon, P.O. Box 97, 220 W. Bridge St., Dublin, OH 43017, (614) 889-2531. Transporting *building materials*, between points in Stark, Carroll, Columbian, Mahoning and Tuscarawas Counties, OH, Marshall County, WV, Beaver, Butler, Allegheny and Washington Counties, PA, and Cumberland County, NJ, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, CO, OK, and TX. CONDITION: issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Permit No. MC-26120.

MC 35320 (Sub-654), filed April 13, 1981. Applicant: T.I.M.E.-DC, INC., 2598 74th St., P.O. Box 2550, Lubbock, TX 79408. Representative: Kenneth G. Thomas (same address as applicant), (806) 745-7263. Transporting *general commodities* (except classes A and B explosives), serving points in Hall County, GA, as off-route points in

connection with applicant's otherwise authorized regular-route operations.

Note.—Applicant intends to tack this authority to its existing regular-route authority.

MC 56640 (Sub-56), filed April 13, 1981. Applicant: DELTA LINES, INC., P.O. Box 2081, Oakland, CA 94604. Representative: Kirk Wm. Horton (same address as applicant), (415) 577-7000. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Chesebrough-Ponds, Inc., of Greenwich, CT.

MC 75471 (Sub-4), filed April 14, 1981. Applicant: ELSTON RICHARDS STORAGE COMPANY, a corporation, 3739 Patterson SE., Grand Rapids, MI 49508. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503, (616) 942-9541. Transporting *furniture or fixtures, clocks, and appliances*, between the facilities of Superior Furniture, J. C. Penney, Inc., and Butler Specialty at those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada, on the one hand, and, on the other, those points in the U.S. on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, MN, thence northward along the western boundaries of Itasca and Koochiching Counties, MN, to the international boundary line between the U.S. and Canada.

MC 82841 (Sub-311), filed April 13, 1981. Applicant: HUNT TRANSPORTATION, INC., 10770 I Street, Omaha, NE 68127. Representative: William E. Christensen (same address as applicant), (402) 339-3003. Transporting *general commodities* (except classes A and B explosives), between the facilities of Armstrong World Industries, Inc. in the U.S., on the one hand, and, on the other, points in the U.S.

MC 97251 (Sub-17), filed April 13, 1981. Applicant: TURNER TRUCKING COMPANY, INC., 1215 West Main St., Lebanon, IN 46052. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *general commodities* (except classes A and B explosives), between points in Allen, Bartholomew,

Boone, Carroll, Clark, Clay, Clinton, DeKalb, Delaware, Fountain, Grant, Hamilton, Hancock, Hendricks, Henry, Howard, Huntington, Jackson, Jasper, Johnson, Lake, Madison, Marion, Montgomery, Morgan, Newton, Porter, Putnam, Scott, Shelby, Steuben, Tippecanoe, Tipton, Vigo, Wayne, and White Counties, IN, on the one hand, and, on the other, St. Louis, MO, points in IL, IN, KY, and OH, and Allegan, Berrien, Barry, Branch, Calhoun, Cass, Eaton, Hillsdale, Ingham, Jackson, Kalamazoo, Kent, Lenawee, Livingston, Macomb, Monroe, Oakland, Ottawa, St. Joseph, Van Buren, Washtenaw, and Wayne Counties, MI.

MC 102401 (Sub-28), filed April 2, 1981. Applicant: TAYLOR HEAVY HAULING, INC., 59765 Market st., South Bend, IN 46614. Representative: John M. Roelke (same address as applicant), (219) 234-0031. Transporting *such commodities* as are dealt in or used by manufacturers and distributors of machinery, between points in Elkhart and St. Joseph Counties, IN, on the one hand, and, on the other, points in the U.S.

MC 115391 (Sub-3), filed April 13, 1981. Applicant: GENSIMORE TRUCKING, INC., P.O. Box L, Pleasant Gap, PA 16823. Representative: Barry L. Gensimore (same address as applicant), (814) 355-5461. Transporting *coke, foundry facing, and foundry core compounds*, between points in Butler County, PA, on the one hand, and, on the other, points in DE, IL, IN, MD, MI, NY, OH, TN, VA, and WV.

MC 124211 (Sub-386), filed April 3, 1981. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, D.T.S., Omaha, NE 68101. Representative: Thomas L. Hilt (same address as applicant), (712) 328-2393. Transporting *general commodities* (except classes A and B explosives), between points in the U.S. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request of its existing certificates in MC-124211 and subs thereunder and all gateway elimination "E" authorities MC-124211 Sub Nos. E-1 through E-115.

MC 134820 (Sub-11), filed April 13, 1981. Applicant: R. S. ALBRIGHT, INC., 6640 Ellis Ave. South, P.O. Box 81025, Seattle, WA 98108. Representative: James T. Johnson, 1610 IBM Bldg., Seattle, WA 98101, (206) 624-2832. Transporting (1) *pulp, paper and related products, and packaging materials*, and (2) *such commodities* as are dealt in or used by manufacturers, distributors, or converters of cellulose materials and products, between points in the U.S.,

under continuing contract(s) with Crown Zellerbach Corporation of Portland, OR.

MC 146900 (Sub-1), filed April 9, 1981. Applicant: BOBBY W. RAGAN, d.b.a. TEKAMAH TRANSFER, 1414 J Street, Tekamah, NE 68061. Representative: James F. Crosby, 7363 Pacific Street, Suite 210B, Omaha, NE 68114, (402) 397-9900. Transporting *materials, equipment and supplies* used in the manufacture and distribution of mobile homes, between points in Burt County, NE, on the one hand, and, on the other, points in the U.S.

MC 147160 (Sub-3), filed April 14, 1981. Applicant: SCHILL TRUCKING SERVICE, INC., Route 3, St. Cloud, MN 56301. Representative: Stanley C. Olsen, Jr., 5200 Willson Rd., Ste. 307, Edina, MN 55424, (612) 252-4550. Transporting *food and related products*, (1) between points in MN, on the one hand, and, on the other, points in MN, ND, SD, and WI, (2) between points in Outagamie and Waupaca Counties, WI, on the one hand, and, on the other, points in ND, and (3) between points in Lincoln and Minnehaha Counties, SD, on the one hand, and, on the other, points in WI.

MC 148731 (Sub-5), filed April 14, 1981. Applicant: MINKEVITCH TRUCKING & HAULING, INC., P.O. Box 21525, Salt Lake City, UT 84121. Representative: Fred J. Minkevitch, Jr., 6290 S. Holladay Blvd., Salt Lake City, UT 84121, (801) 277-6160. Transporting *ores and minerals, and refractory equipment and supplies*, between points in the U.S., under continuing contract(s) with Ostler's Rocky Mountain Refractories of Salt Lake City, UT.

MC 148741 (Sub-2), filed April 14, 1981. Applicant: K. A. GOTCHAL, 6530 Powerline Road, Fallon, NV 89406. Representative: K. A. Gotchal (same address as applicant), (702) 867-3277. Transporting *transportation equipment*, between points in Washoe County, NV, on the one hand, and, on the other, points in WA, OR, and CA.

MC 150211 (Sub-15), filed April 13, 1981. Applicant: ASAP EXPRESS, INC., P.O. Box 3250, Jackson, TN 38301. Representative: Louis J. Amato, P.O. Box E, Bowling Green, KY 42101. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in AL, AR, GA, MS, MO, and TN. Condition: Issuance of a certificate in this proceeding is subject to the coincidental cancellation, at applicant's written request, of Certificates Nos. MC-150211 Subs 4F and 9F.

MC 151970, filed April 6, 1981. Applicant: HENRY C. WILKEY, d.b.a. WILKEY AND SONS, TRUCKING, 6156

Oliva Ave., Lakewood, CA 90712.
Representative: Henry C. Wilkey (same address as applicant); (213) 531-6709.
Transporting (1) *buildings*, (2) *building materials*, (3) *machinery*, and (4) *metal products*, between points in CA, on the one hand, and, on the other, points in the U.S. (except points in CT, MA, ME, MN, MI, ND, NH, RI, SD, VT, and WI).

MC 154430 (Sub-1), filed April 15, 1981. Applicant: COAST TO COAST TRANSPORT, INC., P.O. Box 35507, 7411 South Atlanta, Tulsa, OK 74135.
Representative: Paul Capps (same address as applicant); (918) 494-4016.
Transporting *general commodities* (except classes A and B explosives), between points in Hancock and Breckenridge Counties, KY, on the one hand, and, on the other, points in the U.S.

MC 155161, filed April 7, 1981.
Applicant: CARRIER NATIONWIDE TRANSPORTATION, INC., 30 Peters Drive, Leominster, MA 01453.
Representative: Roger Carrier (same address as applicant); (617) 537-7691.
Transporting *general commodities* (except classes A and B explosives), between points in MA, ME, NH, VT, RI, and CT, on the one hand, and, on the other, points in the U.S.

MC 155290, filed April 14, 1981.
Applicant: NORMAN MEIER, Rt. No. 1, Box 190, Perham, MN 56573.
Representative: Norman Meier (same address as applicant); (218) 346-3102.
Transporting *general commodities* (except classes A and B explosives), between Fargo, ND, on the one hand, and, on the other, points in Becker, Otter Tail and Wadena Counties, MN.

MC 155340, filed April 15, 1981.
Applicant: BRUCE MARKO, d.b.a. BRUCE MARKO TRUCKING, 4321 American Lake Blvd., Tacoma, WA 98409.
Representative: Kenneth R. Mitchell, 2205 Pacific Hwy E, Tacoma, WA 98424, (206) 922-0110.
Transporting *metal products, machinery, and those commodities which because of their size or weight require the use of special handling and equipment*, between points in OR and WA.

Volume No. OPY2-055

Decided: April 20, 1981.

By the Commission, Review Board No. 1, Members Parker, Chandler, and Taylor.

MC 31023 (Sub-5F), filed April 13, 1981. Applicant: THOMAS EXPRESS CO., INC., 624 Mercer Street, Highstown, NJ 08520.
Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07008, (201) 575-7700.
Transporting *general commodities* (except classes A and B explosives),

between points in CT, DE, MD, MA, NJ, NY, PA, RI, VA and DC.

MC 47583 (Sub-140F), filed April 10, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115.
Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, (913) 843-0110.
Transporting *general commodities* (except classes A and B explosives), between the facilities used by Johns-Manville Sales Corp. at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 47583 (Sub-141F), filed April 13, 1981. Applicant: TOLLIE FREIGHTWAYS, INC., 1020 Sunshine Road, Kansas City, KS 66115.
Representative: D. S. Hults, P.O. Box 225, Lawrence, KS 66044, (913) 843-0110.
Transporting *food and related products*, between points in CA, MS and NY, on the one hand, and, on the other, points in the U.S.

MC 66632 (Sub-4), filed April 14, 1981. Applicant: VERMONT MOVING & STORAGE CORP., 582 Montauk Avenue, Brooklyn, NY 11208.
Representative: Robert J. Gallagher, 1000 Connecticut Ave. NW., Suite 1200, Washington, DC 20036, (202) 463-6044.
Transporting *household goods*, as defined by the Commission, between New York City and points in Suffolk and Nassau Counties, NY, on the one hand, and, on the other, points in MD, DE, VA, WV, NC, SC, GA, FL and DC.

MC 155252, filed April 9, 1981.
Applicant: TRAVEL MONGER, 12653 New Lothrop Rd., Byron, MI 48418.
Representative: Pamela Warner (same as applicant), (313) 266-4897.
To engage in operations, in interstate or foreign commerce, as a *broker* at Byron, MI, in arranging for the transportation by motor vehicle, of *passengers and their baggage*, between points in MI, on the one hand, and, on the other, points in the U.S.

Volume No. OPY-4-098

Decided: April 23, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier, and Williams.

MC 107 (Sub-12), filed April 10, 1981. Applicant: BORO BUSSES COMPANY, a Corporation, 445 Shrewsbury Ave., Shrewsbury, NJ 07701.
Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840-8565.
Transporting *passengers and their baggage*, when moving in the same vehicle with passengers, in charter and special operations beginning and ending at points in Middlesex and Monmouth Counties, NJ, and extending to points in the U.S.

MC 107 (Sub-13), filed April 10, 1981. Applicant: BORO BUSSES COMPANY, a Corporation, 445 Shrewsbury Ave., Shrewsbury, NJ 07701.
Representative: Steven L. Weiman, Suite 145, 4 Professional Dr., Gaithersburg, MD 20760, (301) 840-8565.
Transporting *passengers and their baggage*, when moving in the same vehicle with passengers, in charter and special operations, beginning and ending at points in Northampton and Lehigh Counties, PA, and extending to points in the U.S.

MC 78687 (Sub-113), filed April 9, 1981. Applicant: LOTT MOTOR LINES, INC., West Cayuga St., P.O. Box 751, Moravia, NY 13118.
Representative: E. Stephen Heisley, 805 McLachlen Bank Bldg., 666 Eleventh St. NW., Washington, DC 20001, (202) 628-9243.
Transporting *general commodities* (except classes A and B explosives), between points in DE, MD, NC, NJ, NY, OH, PA, and VA, on the one hand, and, on the other, those points in the U.S., in and east of MI, IL, KY, TN, MS, and LA.

MC 87107 (Sub-4), filed April 14, 1981. Applicant: KELLEHER AND FLAHERTY, INC., 5 Winter St., Worcester, MA 01604.
Representative: Steven H. Dorne, 4 Professional Dr., Suite 145, Gaithersburg, MD 20760, (301) 840-8565.
Transporting *general commodities* (except classes A and B explosives), between points in CT, MA, and RI.

MC 120657 (Sub-9), filed April 10, 1981. Applicant: DUGAN TRUCK LINE, INC., 1407 So. Walnut, Wichita, KS 67213.
Representative: Paul V. Dugan, 2707 W. Douglas, Wichita, KS 67213, (316) 943-2325.
Transporting (1) *metal products*, (2) *rubber and plastic products*, (3) *paint*, (4) *machinery*, and (5) *transportation equipment*, between points in Reno, Harvey, McPherson, Kingman, and Sedgwick Counties, KS, on the one hand, and, on the other, points in AR, CO, GA, IL, IN, IA, KY, MI, MN, MS, MO, NE, NJ, NY, OH, OK, PA, SC, SD, TX, and WI.

MC 125687 (Sub-24), filed April 10, 1981. Applicant: EASTERN STATES TRANSPORTATION PA., INC., 1060 Lafayette St., York, PA 17405.
Representative: Jeremy Kahn, Suite 733 Investment Bldg., 1511 K St. NW., Washington, DC 20005, (717) 843-3849.
Transporting *food and related products*, between points in Lehigh County, PA, on the one hand, and, on the other, points in CT, DE, ME, MD, MA, NH, NJ, NY, RI, VT, and DC.

MC 128837 (Sub-33), filed April 9, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626.

Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *metal products, fencing, and poultry netting*, between points in Harris County, and Dallas County, TX, Jefferson County, LA, Washington County, MS, Shelby County, TN, and Dade County, FL, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, KS, OK, and TX.

MC 128837 (Sub-34), filed April 9, 1981. Applicant: TRUCKING SERVICE, INC., P.O. Box 229, Carlinville, IL 62626. Representative: Michael W. O'Hara, 300 Reisch Bldg., Springfield, IL 62701, (217) 544-5468. Transporting *food and related products*, between points in Hopkins County, TX, on the one hand, and, on the other points in AR, CO, KS, LA, MO, MS, NM, OK, and TN.

MC 134197 (Sub-18), filed April 10, 1981. Applicant: JACKSON AND HOHNSON, INC., P.O. Box 327, Savannah, NY 13146. Representative: Raymond A. Richards, 35 Curtice Park, Webster, NY 14580, (716) 265-9510. Transporting *plastic products*, between points in the U.S., under continuing contract(s) with Mobil Chemical Company, of Macedon, NY.

MC 138627 (Sub-118), filed April 13, 1981. Applicant: SMITHWAY MOTOR XPRESS, INC., P.O. Box 404, Fort Dodge, IA 50501. Representative: Arlyn L. Westergren, Suite 201, 9202 W. Dodge Rd., Omaha, NE 68114, (402) 397-7033. Transporting *general commodities* (except classes A and B explosives), between the facilities of Payless Cashways, Inc. (also known as Furrow Building Materials), at points in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146807 (Sub-27), filed April 14, 1981. Applicant: S n W ENTERPRISES, INC., P.O. Box 1131, Wilkes Barre, PA 18702. Representative: Paul Seleski (same address as applicant), (717) 735-0188. Transporting *general commodities* (except classes A and B explosives), between the facilities of Northeastern Pennsylvania Shipper's Cooperative Association, Inc., and its members, at points in OH, CT, PA, NY, and NJ, on the one hand, and, on the other, points in the U.S.

MC 148047 (Sub-1), filed April 10, 1981. Applicant: JAMES E. JARBOE, d.b.a. FLOORCO DISTRIBUTING COMPANY, 8507 Brownsboro Rd., Louisville, KY 40222. Representative: William P. Whitney, Jr., Suite 708, McClure Bldg., Frankfort, KY 40601, (502) 227-7384. Transporting *textile mill products*, between points in GA, on the one hand, and, on the other, points in FL, OH, MO, and IL.

MC 152217 filed April 8, 1981. Applicant: GYPSY TRUCKING, 706 S. March Point Rd., Anacortes, WA 98221. Representative: Wallace B. Farbo, 1298 5th Tee, Burlington, WA 98233, (206) 757-0917. Transporting *boats, boat molds, boat trailers, and boat accessories*, between points in WA, OR, ID, MT, WY, UT, AZ, NM, CA, NV, CO, TX, and AK.

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Decided: April 20, 1981.

By the Commission, Review Board No. 3. Members Krock, Joyce, and Dowell.

MC 25708 (Sub-32), filed April 3, 1981. Applicant: LANEY TANK LINES, INC., P.O. Box 2729, Chapel Hill, NC 27514. Representative: Francis W. McInerney, No. 502, 1000-16th St. NW., Washington, DC 20036, 202-783-8131. Transporting *petroleum, natural gas and their products*, between points in Lexington and Chesterfield Counties, SC, on the one hand, and, on the other, points in TN.

MC 28579 (Sub-7), filed April 6, 1981. Applicant: GRIFFITH MOTOR EXPRESS, INC., 1607 S. Rogers St., Bloomington, IN 47402. Representative: Donald W. Smith, P.O. Box 40248, Indianapolis, IN 46240, 317-846-8655. Transporting *general commodities* (except classes A and B explosives), (1) between Martinsville, IN, and Spencer, IN, over IN Hwy 39 to junction IN Hwy 67, then over IN Hwy 67 to junction U.S. Hwy 231, then over U.S. Hwy 231 to Spencer and return over the same route, (2) between Bloomington, IN and Linton, IN, from Bloomington over IN Hwy 45 to junction IN Hwy 54 then over Hwy 54 to Linton and return over the same route, (3) between Nashville, IN, and Bloomington, IN, over IN Hwy 46, (4) between Bedford, IN and Bloomington, IN, over IN Hwy 37, serving all intermediate points on routes 1 thru 4 and the off-route point of Mooresville, IN, in connection with presently authorized regular routes.

MC 38799 (Sub-6), filed April 7, 1981. Applicant: EDWARDS TRANSFER & STORAGE CO., 2170 Eakin Rd., Columbus, OH 43223. Representative: A. Charles Tell, 100 E. Broad St., Columbus, OH 43215, 614-228-1541. Transporting *general commodities* (except classes A and B explosives), between points in OH, on the one hand, and, on the other, points in the U.S.

MC 40978 (Sub-85), filed April 6, 1981. Applicant: CHAIR CITY MOTOR EXPRESS COMPANY, 3321 South Business Drive, Sheboygan, WI 53081. Representative: Daniel R. Dineen, 710 North Plankinton Ave., Milwaukee, WI 53203 (414) 273-7410. Transporting *such*

commodities as are dealt in or used by retail department stores, between the facilities of Montgomery Ward & Co., Incorporated in IA, IL, IN, KY, MI, MN, MO, OH, and WI, on the one hand, and, on the other, points in IA, IL, IN, KY, MI, MN, MO, OH, and WI.

MC 81908 (Sub-16), filed April 3, 1981. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212 (614) 481-8821. Transporting *such commodities* as are dealt in or used by the manufacturers and distributors of fertilizer and agricultural chemicals, between the facilities of Agrico Chemical Company in OH, IN, MI, and KY, on the one hand, and, on the other, points in OH, IN, MI, and KY.

MC 81908 (Sub-17), filed April 7, 1981. Applicant: GARNER TRUCKING, INC., Route #4, Findlay, OH 45840. Representative: John L. Alden, 1396 W. Fifth Ave., Columbus, OH 43212 (614) 481-8821. Transporting *food and related products* between points in Ottawa County, OH, on the one hand, and, on the other, points in the U.S.

MC 105269 (Sub-97), filed April 10, 1981. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake St., P.O. Box 986, Kalamazoo, MI 49005. Representative: Edward Malinzak, 900 Old Kent Bldg., Grand Rapids, MI 49503 (616) 459-6121. Transporting (1) *lumber and wood products*, and (2) *forest products*, between points in IL, IN, IA, KY, MI, MN, MO, OH, PA, WV, and WI.

MC 114098 (Sub-56), filed April 13, 1981. Applicant: LOWTHER TRUCKING COMPANY, INC., P.O. Box 3117 C.R.S., Rock Hill, SC 29730. Representative: Lawrence E. Lindeman, 1032 Pennsylvania Bldg., Pennsylvania Ave. & 13th St., NW., Washington, D.C. 20004 (202) 628-4600. Transporting (1) *lumber and wood products* and *forest products*, between points in the U.S., under continuing contract(s) with American Cross-Arm Co., Inc., of Jacksonville, FL, and AIFP Trading Group, Inc., of Portland, OR, and (2) *metal products*, between points in the U.S., under continuing contract(s) with Kent-Moore Corp., of York, SC, and Penn Ventilator Co., Inc., of Philadelphia, PA.

MC 114969 (Sub-98), filed April 10, 1981. Applicant: PROPANE TRANSPORT, INC., P.O. Box 232, Milford, OH 45150. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204 (317) 638-1301. *Food and related products*, between points in IL, IN, KY, MI, and OH.

MC 117119 (Sub-839), filed April 6, 1981. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Representative: L. M. McLean (same address as applicant) 501-248-7261. Transporting *printed matter* between points in the U.S.

MC 121489 (Sub-24), filed April 2, 1981. Applicant: NEBRASKA-IOWA EXPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501. Representative: James E. Ballenthin, 630 Osborn Bldg., St. Paul, MN 55102 (612) 227-7731. Transporting *general commodities* (except classes A and B explosives), between points in Richardson and Nemaha Counties, NE, on the one hand, and, on the other, points in the U.S.

MC 124078 (Sub-1041), filed April 9, 1981. Applicant: SCHWERMANN TRUCKING CO., 611 South 28th St., Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201 (414) 671-1600. Transporting *chemicals and related products*, between points in Burlington County, NJ, on the one hand, and, on the other, points in AL, FL, GA, NC, SC, VA, and WV.

MC 127239 (Sub-12), filed April 2, 1981. Applicant: UNIVERSAL BOW TRANSPORT, INCORPORATED, P.O. Box 276 Hall St., Concord, NH 03310. Representative: Francis E. Barrett, Jr., 10 Industrial Park Rd., Hingham, MA 02043, 617-749-6500. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Universal Packaging Corporation of Bow, NH.

MC 128409 (Sub-9), filed April 8, 1981. Applicant: HAROLD MILLER TRUCKING, INC., P.O. Box 623, Moorehead, MN 56560. Representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, ND 58126, 701-233-2572. Transporting (1) *machinery*, between points in Clay, Hennepin and Ramsey Counties, MN on the one hand, and, on the other, points in ND, MT, and SD. (2) *building materials, wall coverings and floor coverings*, between points in ND and MN.

MC 129808 (Sub-30), filed April 10, 1981. Applicant: GRAND ISLAND CONTRACT CARRIER, INC., P.O. Box 2078, Grand Island, NE 68801. Representative: Jack L. Shultz, P.O. Box 82028, Lincoln, NE 68501 (404) 475-6761. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Kaco Supplies, of Grand Island, NE.

Volume No. OPY5-44

Decided: April 20, 1981.

By The Commission, Review Board No. 3, Members Krock, Joyce and Dowell

MC 134328 (Sub-8), filed April 6, 1981. Applicant: D & G TRUCKING CO., INC., P.O. Box 1004, Wynne, AR 72396. Representative: James N. Clay, III, 222 E. Mallory Ave., Memphis, TN 38109, 901-774-9992. Transporting *clay, concrete, glass or stone products*, between points in the U.S., under continuing contract(s) with Arkansas Glass Container Corp., of Jonesboro, AR.

MC 134978 (Sub-23), filed April 10, 1981. Applicant: C. P. BELUE, d.b.a. BELUE'S TRUCKING, Rt. 3, Campobello, SC 29322. Representative: Mitchell King, Jr., P.O. Box 1628, Greenville, SC 29602, (803) 288-9300. Transporting *petroleum, natural gas and their products*, between points in Chatham, Elbert, and Franklin Counties, GA, NC, and SC.

MC 136208 (Sub-12), filed February 12, 1981, previously noticed in FR issue of March 23, 1981. Applicant: CREAGER TRUCKING CO., INC., P.O. Box 308, Yreka, CA 96097. Representative: O. L. Stidham (same address as applicant) (916) 842-4161. Transporting *pulp, paper and related products*, between points in Multnomah County, OR, and Kings County, CA, on the one hand, and, on the other, points in AZ, CA, CO, ID, MT, NM, NV, OR, UT, WA, and WY.

Note.—This republication changes the territorial description.

MC 146659 (Sub-6), filed April 6, 1981. Applicant: GOLDSTON TRANSFER, INC., P.O. Box 1059, Eden, NC 27288. Representative: Archie W. Andrews, P.O. Box 528, Eden, NC 27288, 919-623-9106. Transporting (1) *rubber and plastic products*, and (2) *pulp, paper and related products*, between the facilities of Lily, Division of Owens-Illinois, located at points in NC, NJ, KY, GA, OH, MO, NV, and CA, on the one hand, and on the other, points in the U.S.

MC 148678 (Sub-4), filed April 6, 1981. Applicant: McGRATH TRUCKING, INC., 229 Old Elm St., Mansfield, MA 02048. Representative: Ronald McGrath (same address as applicant) 617-285-7419. Transporting *such commodities* as are dealt in by grocery and food business houses between points in the U.S., under continuing contract(s) with Springfield Sugar Products Co., of Suffield, CT.

MC 150248 (Sub-2), filed April 6, 1981. Applicant: BERNIE BERGER, d.b.a. BERGER BROS. TRUCKING, Box 20, Rural Route 4, Mandan, ND 58554. Representative: William J. Gambucci, Suite M-20, 400 Marquette Ave.,

Minneapolis, MN 55401, 612-340-0808. Transporting *machinery* between the facilities of the Morris Rod-Weeder Company in the U.S., on the one hand, and, on the other, points in the U.S.

MC 151089 (Sub-8), filed April 3, 1981. Applicant: BLUE RIBBON TRUCKING, INC., Industrial Park Rd., Putnam, CT 06260. Representative: Michael R. Werner, P.O. Box 1409, 167 Fairfield Rd., Fairfield, NJ 07006, 201-575-7700. Transporting *food and related products* between points in the U.S., under continuing contract(s) with Campbell Soup Company of Camden, NJ.

MC 151158 (Sub-1), filed April 6, 1981. Applicant: BROWN TRANSIT, INC., 325 Ingram, Conway, AR 72032. Representative: A. Doyle Cloud, Jr., 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901-767-5600. Transporting *such commodities* as are dealt in or used by grocery stores between points in AR, on the one hand, and, on the other, points in MO, MS, and TN.

MC 153289 (Sub-1), filed April 6, 1981. Applicant: GEORGE W. LANE, d.b.a. G. W. LANE TRUCKING, 5501 Fireside Court, Virginia Beach, VA 23464. Representative: Carroll B. Jackson, 1810 Vincennes Rd., Richmond, VA 23229, 804-282-3809. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Norfolk Banana Distributing Co., Inc., of Norfolk, VA.

MC 154548, filed March 6, 1981. Applicant: MADIARA TOURS, INC., 1616 Gordon Place, Rahway, NJ 07065. Representative: Harris Gould, 284 Lafayette St., Newark, NJ 07105, (201) 344-2332. Transporting *passengers and their baggage*, in special and charter operations, beginning and ending at points in Union, Essex, Monmouth, and Middlesex Counties, NJ, and extending to points in NY, PA, Prince Georges County, MD, New London County, CT, and Boston, MA, and the District of Columbia.

MC 154758 (Sub-1), filed April 7, 1981. Applicant: HARRY J. MILLER, R.D. #4, Box 467, Williamsport, PA 17701. Representative: Joseph A. Keating, Jr., 121 S. Main St., Taylor, PA 18517, 717-344-8030. Transporting *waste or scrap metal not identified by industry producing*, between points in Lycoming County, PA, on the one hand, and, on the other, points in NY, NJ, MD, and DE.

MC 155118, filed April 3, 1981. Applicant: T. D. S. TRANSPORTATION, INC., 1700 South Wolf Rd., Des Plaines, IL 60018. Representative: H. Barney Firestone, 10 South LaSalle St., Suite

1600, Chicago, IL 60603, 312-263-1600. Transporting *general commodities* between points in the U.S., under continuing contract(s) with City Products Corporation of Des Plaines, IL, T. G. & Y Stores Co., of Oklahoma City, OK, Coast to Coast Stores (Central Organization), Inc., of Minnetonka, MN, White Stores, Inc., of Wichita Falls, TX, Von's Grocery Co., of El Monte, CA, and Huffman-Koos Co., of Linden, NJ.

MC 155129, filed April 6, 1981. Applicant: RICHARD PUGSLEY, d.b.a. WAR-RIC TRUCKING COMPANY, P.O. Box 97, Palmyra, NE. Representative: Michael J. Ogborn, P.O. Box 82028, Lincoln, NE 68501, 402-475-6761. Transporting *metal products* between points in Lancaster County, NE, on the one hand, and, on the other, those points in the U.S. in and west of MI, OH, KY, TN, and AL.

MC 155169, filed April 7, 1981. Applicant: WEBSTER TRUCKING CORP., 393 Mystic Ave., Medford, MA 02155. Representative: James F. Martin, Jr., 8 W. Morse Rd., Bellingham, MA 02019, 617-966-2093. Transporting *general commodities* (except classes A and B explosives), between points in MA, ME, NH, VT, RI, CT, NY, and NJ.

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Decided: April 22, 1981.
By the Commission Review Board No. 3.
Members Krock, Joyce, and Dowell.

MC 228 (Sub-81), filed April 13, 1981. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Representative: Samuel B. Zinder, 98 Cutter Mill Road, Great Neck, NY 11021, (516) 482-0881. Over regular routes, transporting *passengers and their baggage and express and newspapers*, in the same vehicle with passengers, (1) between New York, NY and Freeport, NY, from New York, NY over NY Hwy 27 to junction Main Street in Freeport, NY, then over Main Street, Federal Plaza West, to NY Hwy 27 and return over the same route serving all intermediate points, and (2) between Hempstead, NY and Freeport, NY, from junction Clinton Street and Fulton Street in Hempstead, NY over Clinton Street to junction Henry Street, then over Henry Street to junction Greenwich Street, then over Main Street to Sunrise Hwy in Freeport, NY, and return over the same route serving all intermediate points.

MC 488 (Sub-26), filed April 13, 1981. Applicant: BREMAN'S EXPRESS CO., 318 Haymaker Rd., Monroeville, PA 15146. Representative: Joseph E. Breman, 700 Fifth Ave. Bldg., 5th FL, Pittsburgh, PA 15219, (412) 281-1980. Transporting *clay, concrete, glass, or stone products*, between points in Stark County, OH, on

the one hand, and, on the other, points in PA.

MC 1768 (Sub-3), filed April 8, 1981. Applicant: INLAND FREIGHTWAYS, INC., Foot of John Hay Avenue, Kearny, NJ 07032. Representative: Morton E. Kiel, Suite 1832, 2 World Trade Center, New York, NY 10048, (212) 466-0220. Transporting *such commodities* as are dealt in or used by department stores, between New York, NY, and points in Westchester, Orange, Rockland, Nassau and Suffolk Counties, NY, NJ, and CT, on the one hand, and, on the other, points in the U.S.

MC 15859 (Sub-13), filed April 13, 1981. Applicant: THE HINE LINE, 247 Emmet Street, Newark, NJ 07114. Representative: Michael D. McCormick, 1301 Merchants Plaza, Indianapolis, IN 46204, (317) 638-1301. Transporting *metal products*, between points in Middlesex County, NJ, on the one hand, and, on the other, points in and east of KS, ND, NE, OK, SD, and TX.

MC 93439 (Sub-9), filed April 8, 1981. Applicant: McCLATCHY BROS., INC., P.O. Box 4126, Midland, TX 79701. Representative: Mike Cotten, P.O. Box 1148, Austin, TX 78767, 512-472-8442. Transporting *Mercer commodities* between points in CO, KS, LA, MS, ND, NM, OK, TX, and WY.

MC 133589 (Sub-1), filed April 8, 1981. Applicant: BCT, INC., P.O. Box 7747, Boise, ID 83708. Representative: John D. Burke (same address as applicant), (208) 384-7172. Transporting *general commodities* (except classes A and B explosives), between points in the U.S., under continuing contract(s) with Boise Cascade Corporation, of Boise, ID.

MC 133689 (Sub-355), filed February 12, 1981 previously noticed in *Federal Register* issue of March 17, 1981. Applicant: OVERLAND EXPRESS, INC., 8651 Naples St., NE, Blaine, MN 55434. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118, (612) 457-6889. Transporting *clay, concrete, glass or stone products*, between the facilities of Guardian Industries Corporation at points in MI, TX, OH, MA, and CA, on the one hand, and, on the other, those points in the U.S. in and east of ND, SD, NE, KS, OK, and TX.

MC 134328 (Sub-9), filed April 13, 1981. Applicant: D & G TRUCKING CO., INC., P.O. Box 1004, Wynne, AR 72396. Representative: James N. Clay III, 222 E. Mallory Ave., Memphis, TN 38109, (901) 774-9992. Transporting *such commodities* as are dealt in or used by a manufacturer and distributor of swimming pools and pool decks, between points in the U.S., under

continuing contract(s) with Dougboy Recreational, Inc., of Cucamonga, CA.

MC 135598 (Sub-57), filed April 8, 1981. Applicant: SHARKEY TRANSPORTATION, INC., P.O. Box 3156, Quincy, IL 62301. Representative: Carl L. Steiner, 39 South LaSalle St., Chicago, IL 60603, 312-236-9375. Transporting (1) *food and related products* between points in the U.S., under continuing contract(s) with Haubrich Enterprises, Inc., d.b.a. Schneidman Distributing Co., of Quincy, IL, and (2) *chemicals and related products* between points in the U.S., under continuing contract(s) with Western Minerals Corporation of Quincy, IL, and Philipp Brothers Chemical, Inc., of Quincy, IL, and its subsidiaries.

MC 136818 (Sub-128), filed April 13, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275-3124. Transporting *food and related products*, between points in CA, on the one hand, and, on the other, points in AZ.

MC 136819 (Sub-129), filed April 13, 1981. Applicant: SWIFT TRANSPORTATION COMPANY, INC., 335 W. Elwood Rd., Phoenix, AZ 85041. Representative: Donald E. Fernaays, 4040 E. McDowell Rd., Suite 320, Phoenix, AZ 85008, (602) 275-3124. Transporting *petroleum, natural gas, and their products* between Houston, TX, on the one hand, and, on the other, points in OK.

MC 140889 (Sub-16), filed April 8, 1981. Applicant: FIVE STAR TRUCKING, INC., 4720 Beidler Rd., Willoughby, OH 44094. Representative: Ignatius B. Trombetta, 1220 Williamson Bldg., Cleveland, OH 44114, (216) 781-1600. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Abel's Bagels, div. of Lender's Bagel Bakery, Inc., of W. Seneca, NY, and Lender's Bagel Bakery, Inc., of W. Haven, CT 06516.

MC 142059 (Sub-168), filed April 13, 1981. Applicant: CARDINAL TRANSPORT, INC., P.O. Box 911, Joliet, IL 60434. Representative: Jack Riley (same address as applicant), (815) 729-3808. Transporting *lumber and wood products*, between points in Beltrami County, MN, on the one hand, and, on the other, points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KY, LA, ME, MD, MA, MI, MN, MS, MO, NH, NJ, NY, NC, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, and DC.

MC 142268 (Sub-47), filed April 6, 1981. Applicant: GORSKI BULK TRANSPORT, INC., R.R. No. 4, Harrow, Ontario, Canada NOR 1G0. Representative: William H. Shawn, 1730 M Street, NW, Suite 501, Washington, DC 20036, (202) 296-2900. Transporting *food and related products*, (1) between points in TX, and (2) between points in TX, on the one hand, and, on the other, points in the U.S.

Volume No. OPY5-46

Decided: April 22, 1981.

By the Commission, Review Board No. 3, Members Krock, Joyce, and Dowell.

MC 143739 (Sub-49), filed April 13, 1981. Applicant: SHURSON TRUCKING CO., INC., P.O. Box 147, New Richland, MN 56072. Representative: Leonard K. Sackson (same address as applicant), (507) 465-3235. Transporting *food and related products*, between points in Johnson County, KS, and Grimes County, TX, on the one hand, and on the other, points in AR, IA, IL, KS, LA, MN, MO, OK, TX, and WI.

MC 143988 (Sub-17), filed April 6, 1981. Applicant: JAMES W. TATE, d.b.a. JAMAR TRUCKING, P.O. Box 18970, Memphis, TN 38118. Representative: Thomas A. Stroud, 2008 Clark Tower, 5100 Poplar Ave., Memphis, TN 38137, 901-767-5600. Transporting *machinery* between Memphis, TN, on the one hand, and, on the other, New Orleans, LA, and points in TX, NM, AZ, NV, ID, WA, OR, and UT.

MC 144969 (Sub-31), filed April 13, 1981. Applicant: WHEATON CARTAGE COMPANY, Third & "G" Sts., Millville, NJ 08332. Representative: Laurence J. DiStefano, 1101 Wheaton Ave., Millville, NJ 08332, (609) 825-1400 Ext. 2414. Transporting (1) *rubber and plastic products*, and (2) *printed matter*, between the facilities used by Reliable Tire Distributors and their suppliers in the U.S., on the one hand, and, on the other, points in the U.S.

MC 146578 (Sub-11), filed April 6, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800-533-6038. Transporting *lumber and wood products* between points in Marion and Baxter Counties, AR, on the one hand, and, on the other, points in the U.S.

MC 146758 (Sub-12), filed April 6, 1981. Applicant: LADLIE TRANSPORTATION, INC., 103 East Main St., Albert Lea, MN 56007. Representative: Phillip H. Ladlie (same address as applicant), 800-533-6038. Transporting *food and related products*, between points in the U.S., under

continuing contract(s) with Wilson Foods Corporation, of Oklahoma City, OK, and its subsidiaries.

MC 148018 (Sub-5), filed April 8, 1981. Applicant: JAMES S. BATT, d.b.a. BATT TRUCKING, P.O. Box 921, Caldwell, ID 83605. Representative: Timothy R. Stivers, P.O. Box 1576, Boise, ID 83701, 208-343-3071. Transporting *general commodities* (except classes A and B explosives, between points in the U.S., under continuing contract(s) with American Wood Products, Inc., and McCluskey Commissary, Inc., both of Caldwell, ID, and Hehr International, Inc., and Union Seed Company, both of Nampa, ID.

MC 149378 (Sub-2), filed April 6, 1981. Applicant: KIRBY TRANSPORT, INC., P.O. Box 17, Gilberts, IL 60136. Representative: Miles L. Kavaller, 315 S. Beverly Drive, Suite 315, Beverly Hills, CA 90212, (213) 277-2323. Transporting *general commodities* (except classes A and B explosives between points in the U.S., under continuing contract(s) with ABC-Trans National Transport, Inc., and Acme Fast Freight, Inc., both of Los Angeles, CA.

MC 150339 (Sub-27), filed April 6, 1981. Applicant: PIONEER TRANSPORTATION SYSTEMS, INC., 151 Easton Blvd., Preston, MD 21655. Representative: J. Cody Quinton, Jr. (same address as applicant), (301) 673-7151. Transporting *food and related products*, between points in the U.S., under continuing contract(s) with Hanover Brands, Inc., of Hanover, PA.

MC 151299 (Sub-2), filed April 6, 1981. Applicant: DEPPE LUMBER CO., INC., d.b.a. DEPPE ENTERPRISES, 300 Water St., Baraboo, WI 53913. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238-3119. Transporting *metal products*, between Chicago, IL, on the one hand, and, on the other, points in Sauk County, WI.

MC 152229 (Sub-5), filed April 6, 1981. Applicant: SALINAS TRUCK BROKERS, INC., P.O. Box 128 (730 Airport Blvd.), Salinas, CA 93902. Representative: Ben Ryburn (same address as applicant), (408) 757-2991. Transporting *general commodities* (except classes A and B explosives) between points in Tunica County, MS, on the one hand, and, on the other, points in the U.S.

MC 153508 (Sub-1), filed April 6, 1981. Applicant: BRETT DINGES, d.b.a. BRETT DINGES TRUCKING, Route 2, P.O. Box 23, Monroe, WI 53566. Representative: Richard A. Westley, 4506 Regent St., Suite 100, Madison, WI 53705, (608) 238-3119. Transporting *food and related products*, between points in

the U.S., under continuing contract(s) with American Cheesemen, Inc., of Brodhead, WI.

MC 155119 (Sub-1), filed April 6, 1981. Applicant: HELDERS MOTOR SERVICE CO., a corporation, 3201 South Kostner Ave., Chicago, IL 60623. Representative: Themis N. Anastos, 120 West Madison St., Chicago, IL 60602, (312) 782-8668. Transporting (1) *machinery*, (2) *metal products*, and (3) *those commodities* which because of their size or weight require the use of special handling or equipment, between points in NM, IL, IN, MI, IA, WI, MN, KY, MO, AR, KS, TX, and OK.

MC 155138, filed April 6, 1981. Applicant: KEN PULASKI, d.b.a. KEN'S TRUCKING, 1524 East 12th St., Newton, KS 67114. Representative: Brad T. Murphree, 814 Century Plaza Bldg., Wichita, KS 67202, (316) 285-2634. Transporting *machinery*, between points in Harvey, McPherson, Reno, and Sedgwick Counties, KS.

MC 155219, filed April 8, 1981. Applicant: GAUDETTE MACHINERY MOVERS, INC., 22 Bradford Drive, Lincoln, RI 02865. Representative: Russell B. Curnett, P.O. Box 366, 826 Orleans Rd., Harwich, MA 02845, (617) 432-0907. Transporting *machinery*, (1) between points in CT, MA, ME, NH, RI, and VT, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT, and (2) between the ports of entry on the international boundary line between the United States and Canada at points in ME, NH, NY, and VT, on the one hand, and, on the other, points in CT, MA, ME, NH, NJ, NY, PA, RI, and VT. Agatha L. Mergenovich, Secretary.

[FR Doc. 81-12885 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-18 (Sub-320)]

Chesapeake and Ohio Railway Co.— Abandonment Between Edmore and Remus, Mich.; Findings

Notice is hereby given pursuant to 49 U.S.C. 10903 that by a decision decided April 14, 1981, a finding was made by the Commission, Review Board Number 3, stating that the public convenience and necessity permit the abandonment by the Chesapeake and Ohio Railway Company (C&O) of the line of railroad extending between milepost 0.00 near Edmore, and milepost 15.98 near Remus, a distance of 15.98 miles in Montcalm, Isabella, and Mecosta Counties, MI, subject to the conditions for the protection of employees developed in

Oregon Short Line R. Co.—

Abandonment—Goshen, 360 I.C.C. 91 (1979). A certificate of abandonment will be issued to the C&O based on the above-described finding of abandonment, 30 days after this decision becomes final unless within 15 days from the date of publication the Commission further finds that:

- (1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued. The offer must be filed with the Commission and served concurrently on the applicant, with copies to Ms. Ellen Hanson, Room 5417, Interstate Commerce Commission, Washington, D.C. 20423, no later than 10 days from publication of this Notice; and
- (2) It is likely that such proffered assistance would:

(a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed. An offer may request the Commission to set conditions and amount of compensation within 90 days after an offer is made. If no agreement is reached within 30 days of an offer, and no request is made for the Commission to set conditions or amount of compensation, a certificate of abandonment will be issued immediately. Upon notification to the Commission of the execution of an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in 49 U.S.C. 10905 (as amended by the Staggers Rail Act of 1980, Pub. L. 96-448, effective October 1, 1980). All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12861 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision-Notice

As indicated by the findings below, the Commission has approved the following applications filed under 49 U.S.C. 10924, 10926, 10931 and 10932.

We find:

Each transaction is exempt from section 11343 (formerly section 5) of the Interstate Commerce Act, and complies with the appropriate transfer rules.

This decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

Petitions seeking reconsideration must be filed within 20 days from the date of this publication. Replies must be filed within 20 days after the final date for filing petitions for reconsiderations; any interested person may file and serve a reply upon the parties to the proceeding. Petitions which do not comply with the relevant transfer rules at 49 CFR 1132.4 may be rejected.

If petitions for reconsideration are not timely filed, and applicants satisfy the conditions, if any, which have been imposed, the application is granted and they will receive an effective notice. The notice will indicate that consummation of the transfer will be presumed to occur on the 20th day following service of the notice, unless either applicant has advised the Commission that the transfer will not be consummated or that an extension of time for consummation is needed. The notice will also recite the compliance requirements which must be met before the transferee may commence operations.

Applicants must comply with any conditions set forth in the following decision-notices within 30 days after publication, or within any approved extension period. Otherwise, the decision-notice shall have no further effect.

By the Commission, Review Board Number 3, the Motor Carrier Board, Members Krock, Joyce, and Dowell.

MC-FC-79031. By decision of March 13, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to North Way Petroleum Transport, Inc. of Chatham, NJ Permit No. MC-60528 issued September 22, 1958 and Sub-No. 10 issued May 18, 1977 to Foley & Sheldon, Inc. of Chatham, NJ, authorizing the transportation of (1) *liquid petroleum products, alcohol, and acid*, from points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., to points in Dutchess,

Orange, Putnam, Rockland, Sullivan, and Westchester Counties, NY; with return transportation authorized for rejected, damaged or surplus shipments; and (2) *Gasoline*, in tank vehicles, from points in Essex and Union Counties, NJ, to points in Ulster County, NY, with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized under (2) herein are limited a transportation service to be performed, under a continuing contract, or contracts with Lody's Gas and Service Centers Inc., of Middletown, NY. Applicant's representative: Ronald F. Shapss, Esq., P.O. 450 7th Ave., New York, NY 10123. An application seeking TA has not been filed. Transferee holds no authority.

MC-FC-79032. By decision of March 4, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Dave Eugene Thomas, an individual of Montpelier, VA of Permit No. MC-88980 and Subs thereunder issued to Douglas Smith Stone authorizing the transportation of lumber and sawdust as a contract carrier over regular and irregular routes from Montpelier, VA to specified points in Maryland, Pennsylvania, West Virginia, North Carolina, Ohio, New Jersey, Delaware, and The District of Columbia, subject to the following conditions: if any authority in permit Nos. MC-88980 Sub-No. 2 and 4 is limited to transportation pertained under a continuing contract with Jones Lumber Company of Beaverdam, VA and J.E. Jones Lumber Company of Montpelier, VA, respectively. Applicant's representative: Donald H. Schulart, Esq., P.O. Box 5010, 200 West Grace Street, Suite 415, Richmond, VA 23220. Transferee presently holds no authority from the Commission. In application for temporary authority has been filed.

MC-FC-79033. By decision of March 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Billy B. Cortner, Inc. of Certificate No. MC-126489 (Sub-No. 33) issued September 14, 1979, to Gaston Feed Transports, Inc. authorizing the transportation of *processed grain and soybean products*, (except commodities in bulk in tank vehicles), from Hutchinson, KS, to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon,

Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming. Applicant's representative is: John E. Jandero, P.O. Box 1979, Topeka, KS. TA application has not been filed.

MC-FC-79034. By decision of March 9, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Midwest Express, Inc., of Detroit, MI, of Certificate No. MC-145018 (Sub-No. 2) issued July 15, 1980, to Northeast Delivery, Inc., of Taylor, PA, authorizing the transportation of *foodstuffs* (except in bulk) from Lawton, MI, to points in Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas, restricted to the transportation of traffic originating at the facilities of Welch Foods, Inc., at Lawton, MI. Applicant's representative is: William J. Boyd, Attorney, 2021 Midwest Road—Suite 205, Oak Brook, IL 60521, 312-629-2900. Transferee presently holds no authority from the Commission. TA application has not been filed.

MC-FC-79035. By decision of March 9, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1145. Review Board Number 3 approved the transfer to Delmar A. Kirby, d/b/a Freight Traffic Service of El Paso, TX of License No. MC-130650F issued to Don Retynski, d/b/a Commercial Freight Bureau of El Paso, TX a broker service at El Paso, TX of general commodities (except household goods) between all points in the United States. Applicant's representative is: Delmar A. Kirby, P.O. Box 31426, El Paso, TX 79931. Transferee holds authority as a Broker in No. MC-130650.

MC-FC-79037. By decision of March 6, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Winston Limousine Service of Conn., Inc. of College Point, NY of Certificate No. MC-143427 Sub-No. 2 issued December 10, 1980 to Winston Limousine Service, Inc. of Bohemia, NY authorizing the transportation of *passengers and their baggage*, in the same vehicle with passengers, in special operations, in non-scheduled door to door service, between New York, NY, and Newark, NJ, on the one hand, and, on the other, points in Fairfield, New Haven, and Middlesex Counties, CT, subject to the following conditions: restricted to the transportation of (1) not more than eleven passengers in any one vehicle, and (2) passengers having an immediately prior or subsequent movement by air. Applicant's

representative is: Sidney J. Leshin, 575 Madison Ave., New York, NY 10022.

MC-FC-79043. By decision of March 17, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Hudson Express, Inc. of Certificate No. MC-147203 (Sub-Nos 3, 4, 5, 6) issued to Hudson Products, Inc. authorizing the transportation of plastic resin (except in bulk), over irregular routes, from Akron, OH, to Des Moines, IA, and points in Minnesota, Wisconsin, and Illinois in the Sub-No. 3. Gummed paper, plastic film, and aluminum foil, over irregular routes, from certain points in Ohio to Sioux Falls, SD, and points in Minnesota and Wisconsin in the Sub-No. 4. Chemicals (except in bulk), over irregular routes, from Niagara Falls, NY, and points in Illinois, Michigan, and Hudson, WI, and plastic containers, from Addison, IL to Hudson, WI, in the Sub-No. 5. Plastic resin (except in bulk), over irregular routes, from North Kingsville, OH, and Lafayette, IN, to Minneapolis, MN. Applicants' representative is Grant J. Merritt, 4444 ID Center 80, South Eighth Street, Minneapolis, MN.

MC-FC-79050. By decision of March 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to Laurel Hill Trucking Company of Secaucus, NJ, of Permit No. MC-145729 Sub-Nos. 1 and 3 issued to Symplex Leasing, Inc. of Bayonne, NJ, authorizing the transportation of (1) paint, paint equipment, patching compounds and adhesives (except commodities in bulk), from Bayonne, NJ to points in the United States (except Alaska and Hawaii) to Bayonne, NJ, under continuing contract(s) with Norton & Son, Inc. of Bayonne, NJ, (1) Stereos and turntables from New York, NY to points in the United States (except Alaska and Hawaii), and (2) wood products from points in the United States (except Alaska and Hawaii) to Bayonne, Elizabeth and Jersey City, NJ, under continuing contract(s) with Sound Design Corporation of Jersey City, NJ. Applicant's representative is William J. Augello, 120 Main Street, Huntington, NY 11743.

Note.—Authority will be sought to have Laurel Hill Trucking Company substituted as applicant in MC-145729 (1-1 TA) presently pending before this Commission.

MC-FC-79055. By decision of April 2, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to G. H. Clark & Son, Inc., of Mount Vernon, NY, of Certificate No. MC-46857 issued on June 13, 1960 to James E. Hall & Son, Inc., of Yonkers,

NY authorizing the transportation of *IRREGULAR ROUTES: household goods*, between Yonkers and New York, NY, on the one hand, and, on the other, points in New York, Vermont, Rhode Island, Connecticut, Delaware, Massachusetts, Pennsylvania, New Jersey, Ohio, Michigan, Illinois, Virginia, North Carolina, Maryland, Georgia, and Florida; *household goods* as defined by the Commission, between Yonkers and New York, NY, on the one hand, and, on the other, points in Indiana, Maine, New Hampshire, South Carolina, and the District of Columbia; between points in Westchester County, NY, except Yonkers, on the one hand, and, on the other, points in New York, Vermont, Rhode Island, Connecticut, Delaware, Massachusetts, Pennsylvania, New Jersey, Ohio, Michigan, Illinois, Virginia, North Carolina, Maryland, Georgia, Florida, Indiana, Maine, New Hampshire, South Carolina, and the District of Columbia. Applicants representative: William A. Egan, Jr., 199 Main Street, White Plains, NY 10601.

MC-FC-79056. By decision of March 30, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132. Review Board Number 3 approved the transfer to MARK S. ROSSI AND KEN M. BRENDLER, a partnership, doing business as NORTHWEST PRODUCE EXPRESS, of Portland, OR, of Permit No. MC-143075 (Sub-No. 1) issued to HAROLD AND CHARLENE BRENDLER, a partnership doing business as NORTHWEST PRODUCE EXPRESS, of Portland, OR, authorizing the transportation of (1) *dairy products, food requiring refrigeration, glassware, grocery products, paper products and plastic jugs*, and (2) *commodities otherwise exempt from economic regulation under Section 203(b)(6) of the Interstate Commerce Act when moving in mixed loads with dairy products, food requiring refrigeration, glassware, grocery products, paper products and plastic jugs*, between Salem, Beaverton, Portland and Pendleton, OR, on the one hand, and, on the other, Yakima, Pasco and Walla Walla, WA, and Lewiston, ID, under continuing contracts with Pacific Gamble Robinson, doing business as Pacific Fruit and Produce, of Seattle, WA, P.D.Q. Institutional Goods, of Yakima, WA, and Walla Walla Produce, of Walla Walla, WA. Applicants' representative: Mario E. Rossi, 5924 S.E. 39th Ave., Portland, OR 97202.

Note.—Application for TA has not been filed. Transferee does not hold any authority from this Commission.

MC-FC-79057. By decision of March 26, 1981 issued under 49 U.S.C. 10926

and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to T. J. MARQUART & SONS, INC., of Bliss, NY, of Certificate Nos. MC-140029 (Sub-Nos. 2, 4, and 8), issued to CLIFFORD H. HALL, INC., of Attica, NY, authorizing the transportation of (1) *liquid corn silage additive*, from Arcade, NY, to points in MD, NJ, and PA; (2) *molasses*, in bulk, in tank vehicles, from Buffalo, NY, to points in Crawford, Erie, Forest, McKean, Potter, Venango and Warren Counties, PA, and points in OH; and (3) *feed and feed ingredients*, between points in New York (except Cayuga County), on the one hand, and, on the other, points in OH, PA, VA, and WV, restricted (a) to traffic originating at or destined to the facilities of Agway, Inc., Allied Mills, and Ruminant Nitrogen Products Company, (b) against the transportation of salt and salt products, and (c) against the transportation of limestone and limestone products from Centre County, PA. Applicant's representative: William J. Hirsch, 1125 Convention Tower, 43 Court Street, Buffalo, NY 14202.

Note.—Application for TA has been filed. Transferee holds no authority from this Commission.

MC-FC-79063. By decision of March 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Winston Airport Transportation Service, Inc. of College Point, NY, of Certificate No. MC-143427 Sub 3F and MC-135268 (acquired in No. MC-FC-77928 issued to Winston Limousine Service, Inc., of Bolemia, NY, authorizing the transportation of *passengers and their baggage*, limited to the transportation of not more than eleven (11) passengers in any one vehicle (excluding the driver), in special non-scheduled door-to-door service, between points in Orange and Rockland Counties, NY, on the one hand, and on the other, Newark, NJ, and New York, NY, restricted to passengers having an immediately prior or subsequent movement by air or water. Passengers, having prior or subsequent movement by air or water, and their baggage, in the same vehicle with passengers, in special operations, in non-scheduled door-to-door service, limited to the transportation of not more than 11 passengers in any one vehicle, not including the driver thereof, between points in Bergen, Passaic, Hudson, Essex, Union, and Morris Counties, NJ, on the one hand, and, on the other, John F. Kennedy International Airport, La Guardia Airport, and Steamship piers in New York, NY. Applicant's

representative is Sidney J. Leshin, 575 Madison Ave., New York, NY 10022. Transferee is not a carrier. TA lease is not sought.

MC-FC-79065. By decision of March 24, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to D & D Trucking, Inc. of Jersey City, NJ, of Certificate No. MC-128310 and MC-128310 (Sub-No. 2) issued April 25, 1967 and March 17, 1971 respectively, to Dairy Dispatch Corp. of Jersey City, NJ generally authorizing the transportation of dairy products (except commodity in bulk), in vehicles equipped with mechanical refrigeration, between points in that part of the New York, NY Commercial Zone as defined by the Commission, within which local operations may be conducted under the partial exemption provided by section 203(b)(8) of the Act (the exempt zone), on the one hand, and, on the other, points in Bergen, Essex, Hudson, Middlesex, Union and Passaic Counties, NY, and New York, NY. Applicant's representative is Robert B. Pepper, 168 Woodbridge Ave., Highland Park, NJ 08904. TA lease is not sought. Transferee is not a carrier.

MC-FC-79070. By decision of April 2, 1981 issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Clay Transport, Inc. of New Kensington, PA of Certificate No. MC-21788 issued February 25, 1969 to J. A. Grimm & Wheeling Motor Express, Inc. of Pittsburgh, PA, authorizing transportation as a motor *common carrier* over regular routes transporting *general commodities*, with the usual exceptions, between Pittsburgh, PA and Appollo, PA, Moundsville and Wheeling, WV, and Bellaire, OH, serving named intermediate and off-route points. Applicant's representative: John A. Pillar, 1500 Bank Tower, 307 Fourth Avenue, Pittsburgh, PA 15222.

MC-FC-79071. By decision of April 2, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board Number 3 approved the transfer to Vic Adams, Inc. of Yates Center, KS of Certificate No. MC-126489 (Sub-No. 13) issued April 8, 1974 to Gaston Feed Transports, Inc. of Hutchinson, KS authorizing transportation as a *common carrier* over irregular routes transporting (a) *alfalfa products*, from points in Dawson County, NE and points in Kansas, to points in Arizona, Colorado, Kansas, New Mexico, Texas, and those in Oklahoma west of U.S. Hwy 81, and (b) *dry feed ingredients*, from Pratt, KS, to points in Colorado, Nebraska, New

Mexico, Oklahoma, and Texas, subject to the following conditions: that transferee submit for cancellation the operating rights it currently holds which duplicate the rights to be transferred. Applicant's representative: John E. Jandera, 641 Harrison Street, P.O. Box 1979, Topeka, KS 66601.

MC-FC-79084. By decision of April 2, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1131, Review Board Number 3 approved the transfer to K. D. Inc., of Louisville, KY, of Certificate No. MC-142977 (Sub-No. 8) issued to Hoosier Freight Lines, Inc., of Louisville, KY, authorizing: (1) *household appliances* and (2) *equipment, materials and supplies* used in the manufacture and distribution of household appliances between the facilities of General Electric Company, Appliance Park, at Louisville, KY, and points in Indiana and Cincinnati, OH. Applicant's representative: James B. Murphy, 825 W. Jefferson St., No. 102, Louisville, KY 40202. TA lease is sought. Transferee is not a carrier.

MC-FC-79097. By decision of April 7, 1981, issued under 49 U.S.C. 10926 and the transfer rules at 49 CFR Part 1132, Review Board No. 3 approved the transfer to Knute Trucking, Inc., of Rochelle, IL, of permit number MC 143966 Sub 3 issued January 29, 1980, to Gerald Stager and Dennis Drda, d.b.a. Stager-Drda Transportation of Rockford, IL, authorizing the transportation of malt beverages and advertising materials from St. Paul, MN, to the facilities of D and D Distributing Co., Inc., at or near Rockford, IL, under contract with D and D Distributing Co., Inc., of Rockford, IL. Applicant's representative is William J. Monheim, P.O. Box 1756, Whittier, CA 90609. TA application has been filed. Transferee holds no authority.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12880 Filed 4-28-81; 8:45 am]
BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following operating rights applications, filed on or after July 3, 1980, are filed in connection with pending finance applications under 49 U.S.C. 10926, 11343 or 11344. The applications are governed by Special Rule 252 of the Commission's General Rules of Practice (49 CFR 1100.252).

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Persons submitting protests to applications filed in connection with pending finance

applications are requested to indicate across the front page of all documents and letters submitted that the involved proceeding is directly related to a finance application and the finance docket number should be provided. A copy of any application, together with applicant's supporting evidence, can be obtained from any applicant upon request and payment to applicant of \$10.00.

Amendments to the request for authority are not allowed. However, the Commission may have modified the application to conform to the commission's policy of simplifying grants of operating authority.

Findings:

With the exceptions of those applications involving duly noted problems (e.g., unresolved common control, unresolved fitness questions, and jurisdictional problems) we find, preliminarily, that each applicant has demonstrated that its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able properly to perform the service proposed and to conform to the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulations. Except where specifically noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests in the form of verified statements as to the finance application or to the following operating rights applications directly related thereto filed within 45 days of publication of this decision-notice (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (except where the application involves duly noted problems) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

To the extent that any of the authority granted may duplicate an applicant's other authority, the

duplication shall be construed as conferring only a single operating right.

Volume No. OPY-4-100.

Decided April 22, 1981.

By the Commission, Review Board No. 2, Carleton Fortier and Williams.

MC 155177, filed April 6, 1981.

Applicant: H.F.C.S. TRANSPORT COMPANY, a corporation, 780 N. Water St., Milwaukee, WI 53202. Representative: Carl L. Steiner, 39 S. LaSalle St., Chicago, IL 60603, (312) 236-9375. Transporting food and related products, between points in the U.S., under continuing contract(s) with C.P.C. International, Inc., of Englewood Cliffs, N.J.

Note.—This application is directly related to MC-F-14616, published in this same Federal Register issue.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12664 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decision; Decision-Notice

The following applications, filed on or after July 3, 1980, seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control of motor carriers pursuant to 49 U.S.C. 11343 or 11344. Also, applications directly related to these motor finance applications (such as conversions, gateway eliminations, and securities issuances) may be involved.

The applications are governed by Special Rule 240 of the Commission's Rules of Practice (49 CFR 1100.240). See Ex Parte 55 (Sub-No. 44), *Rules Governing Applications Filed By Motor Carriers Under 49 U.S.C. 11344 and 11349*, 363 I.C.C. 740 (1981). These rules provide among other things, that opposition to the granting of an application must be filed with the Commission in the form of verified statements within 45 days after the date of notice of filing of the application is published in the Federal Register. Failure seasonably to oppose will be construed as a waiver of opposition and participation in the proceeding. If the protest includes a request for oral hearing, the request shall meet the requirements of Rule 242 of the special rules and shall include the certification required.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.241. A copy of an application, together with applicant's supporting evidence, can be obtained from any applicant upon request and

payment to applicant of \$10.00, in accordance with 49 CFR 1100.241(d).

Amendments to the request for authority will not be accepted after the date of this publication. However, the Commission may modify the operating authority involved in the application to conform to the Commission's policy of simplifying grants of operating authority.

We find, with the exception of those applications involving impediments (e.g., jurisdictional problems, unresolved fitness questions, questions involving possible unlawful control, or improper divisions of operating rights) that each applicant has demonstrated, in accordance with the applicable provisions of 49 U.S.C. 11301, 11302, 11343, 11344, and 11349, and with the Commission's rules and regulations, that the proposed transaction should be authorized as stated below. Except where specifically noted this decision is neither a major Federal action significantly affecting the quality of the human environment nor does it appear to qualify as a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient protests as to the finance application or to any application directly related thereto filed within 45 days of publication (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant (unless the application involves impediments) upon compliance with certain requirements which will be set forth in a notification of effectiveness of this decision-notice. To the extent that the authority sought below may duplicate an applicant's existing authority, the duplication shall not be construed as conferring more than a single operating right.

Applicant(s) must comply with all conditions set forth in the grant or grants of authority within the time period specified in the notice of effectiveness of this decision-notice, or the application of a non-complying applicant shall stand denied.

Volume No. OPY-4-101

Decided April 22, 1981.

By the Commission, Review Board No. 2, Members Carleton, Fortier and Williams.

MC-F-14616, filed April 6, 1981. P&S INVESTMENT COMPANY, INC. (P&S)—Continuance in Control—H.F.C.S. TRANSPORT COMPANY (HFCS) AND RENN TRANSPORTATION CO., INC. (RENN) (All of 780 North Water Street, Milwaukee, WI 53202). Representative: Carl L. Steiner, 30 South LaSalle Street, Chicago, IL 60603. P&S seeks authority

to continue in control of H.F.C.S. and Renn, upon the institution by H.F.C.S. and Renn of operations in interstate or foreign commerce, as motor contract carriers. John F. Pomprowitz and Joan P. Schaupp—equal stockholders of P&S seek authority to continue in control of H.F.C.S. and Renn through the transaction. P&S controls through stock ownership of L.C.L. Transit Company, a motor common carrier, operating under MC-119974 and subs thereunder, which authorizes the transportation of specified commodities, over irregular routes, in IL, IN, IA, MI, MN, MO, WI, KS, KY, NE, ND, OH, SD, NY, PA, and TN. H.F.C.S. holds no present authority. Simultaneously herewith it has filed a contract carrier application docketed No. MC-155177 to transport food and related products, over irregular routes, between points in the U.S., under a continuing contract with C.P.C. International, Inc., which is published in this same Federal Register issue. Renn has a pending application for authority, as a contract carrier, under MC-154185 to transport general commodities (except classes A and B explosives), between points in the U.S., under continuing contracts with 28 individual shippers, published in the Federal Register of March 10, 1981.

Condition: P&S Investment Company, a non-carrier holding company, shall be considered a carrier within the meaning of 49 U.S.C. 11348 and is subjected to the requirements of 49 U.S.C. 11302 for those issuances of securities and assumptions of obligations which may relate to or affect the activities of its carrier subsidiaries. Regarding the reporting requirements of 49 U.S.C. 11145, P&S Investment Company need only file such special reports as the Commission may from time to time require. P&S Investment Company is not made subject to the accounting requirements of 49 U.S.C. 11142.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12863 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

Motor Carriers; Permanent Authority Decisions; Decision-Notice

The following applications, filed on or after February 9, 1981, are governed by Special Rule 251 of the Commission's Rules of Practice, see 49 CFR 1100.251. Special Rule 251 was published in the Federal Register on December 31, 1980, at 45 FR 86771. For compliance procedures, refer to the Federal Register issue of December 3, 1980, at 45 FR 80109.

Persons wishing to oppose an application must follow the rules under 49 CFR 1100.252. Applications may be protested *only* on the grounds that applicant is not fit, willing, and able to provide the transportation service or to comply with the appropriate statutes and Commission regulations. A copy of any application, including all supporting evidence, can be obtained from applicant's representative upon request and payment to applicant's representative of \$10.00.

Amendments to the request for authority are not allowed. Some of the applications may have been modified prior to publication to conform to the Commission's policy of simplifying grants of operating authority.

Findings: With the exception of those applications involving duly noted problems (e.g., unresolved common control, fitness, water carrier dual operations, or jurisdictional questions) we find, preliminarily, that each applicant has demonstrated its proposed service warrants a grant of the application under the governing section of the Interstate Commerce Act. Each applicant is fit, willing, and able to perform the service proposed, and to conform to the requirements of Title 29, Subtitle IV, United States Code, and the requirements of Title 49, Subtitle IV, United States Code, and the Commission's regulation. Except where noted, this decision is neither a major Federal action significantly affecting the quality of the human environment nor a major regulatory action under the Energy Policy and Conservation Act of 1975.

In the absence of legally sufficient opposition in the form of verified statements filed on or before 45 days from date of publication (or, if the application later become unopposed), appropriate authorizing documents will be issued to applicants with regulated operations (except those with duly noted problems) and will remain in full effect only as long as the applicant maintains appropriate compliance. The unopposed applications involving new entrants will be subject to the issuance of an effective notice setting forth the compliance requirements which must be satisfied before the authority will be issued. Once this compliance is met, the authority will be issued.

Within 60 days after publication an applicant may file a verified statement in rebuttal to any statement in opposition.

To the extent that any of the authority granted may duplicate an applicant's other authority, the duplication shall be

construed as conferring only a single operating right.

Note.—All applications are for authority to operate as a motor common carrier in interstate or foreign commerce over irregular routes, unless noted otherwise. Applications for motor contract carrier authority are those where service is for a named shipper "under contract".

Volume No. OPY4-099

Decided April 23, 1981.

By the Commission, Review Board No. 2,
Members Carleton, Fortier, Williams.

MC 123997 (Sub-5), filed April 10, 1981. Applicant: COMET FAST FREIGHT, INC., 101 Wellham Ave., N.E., Glen Burnie, MD 21061. Representative: Maxwell A. Howell, 1100 Investment Bldg., 1511 K St., N.W., Washington, DC 20005, (202) 783-7900. Transporting, for or on behalf of the United States Government, *general commodities* (except used household goods, hazardous or secret materials, and sensitive weapons and munitions), between points in the U.S.

Volume No. OPY5-47

Decided April 22, 1981.

By the Commission, Review Board No. 3,
Members Krock, Joyce and Dowell.

MC 141369 (Sub-7), filed April 7, 1981. Applicant: V.I.P. LIMOUSINE, INC., 11 Brownhouse Rd., Stamford, CT 06902. Representative: Alan F. Wohlstetter, 1700 K St., NW, Washington, DC 20006 (202) 833-8884. Transporting *shipments weighing 100 pounds or less* if transported in a motor vehicle in which no one package exceeds 100 pounds, between points in the U.S.

MC 155179, filed April 6, 1981. Applicant: WILLIAM W. COLEMAN, 433 Fairview Ave., P.O. Box 332, Waynesboro, PA 17268. Representative: William W. Coleman (same address as applicant) (717) 762-3703. Transporting *food and other edible products and byproducts intended for human consumption* (except alcoholic beverages and drugs), *agricultural limestone and fertilizers, and other soil conditioners* by the owner of the motor vehicle in such vehicle, between points in the U.S.

Agatha L. Mergenovich,
Secretary.

[FR Doc. 81-12862 Filed 4-28-81; 8:45 am]

BILLING CODE 7035-01-M

INTERNATIONAL TRADE COMMISSION

[332-125]

Analysis of Recent Trends in U.S. Barter and Countertrade; Investigation

AGENCY: United States International Trade Commission.

ACTION: In accordance with the provisions of section 332(b) of the Tariff Act of 1930 (19 U.S.C. 1332(b)), the Commission has instituted investigation No. 332-125 for the purpose of gathering and presenting information on U.S. barter/countertrade and its significance in the world market. This study will document and analyze selected data on the volume and composition of U.S. trade involving barter/countertrade (B/CT) with non-market economy countries, developing nations, and industrialized countries. The study will examine the more important and representative instances of B/CT and focus on the current and future impact of B/CT arrangements on the U.S. industry and employment.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald J. DeMarines, Machinery and Equipment Division, U.S. International Trade Commission, Washington, D.C. 20436 (telephone 202-523-0259).

WRITTEN SUBMISSIONS: There is no public hearing scheduled for this study; however, written submissions from interested parties are invited. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission in this study, written statements should be submitted at the earliest practicable date, but no later than September 9, 1981. All submissions should be addressed to the Secretary to the Commission at the Commission's office in Washington, D.C.

By order of the Commission.

Issued: April 23, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12876 Filed 4-29-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 751-TA-2 (Formerly AA1921-66A)]

Television Receiving Sets From Japan; Announcement of Administrative Deadline

AGENCY: U.S. International Trade Commission.

ACTION: Establishment and announcement of administrative deadline.

SUMMARY: On December 17, 1980, the Commission announced an indefinite postponement and waiver of the administrative deadline in this investigation under section 751(b) of the Tariff Act of 1930 (45 FR 83088). The deadline was postponed until a sufficient number of purchasers and importers of television receiving sets from Japan responded to the Commission's questionnaires to provide it with adequate information to enable it to make an informed decision. The purpose of the investigation is to determine whether an industry in the United States would be materially injured, or would be threatened with material injury if the antidumping finding concerning television receiving sets from Japan were revoked.

The Commission hereby establishes a new administrative deadline of June 12, 1981, for notifying the Department of Commerce of its final determination in this investigation.

WRITTEN SUBMISSIONS: Only submissions in response to the statement of Orion Electric Co., Ltd. and Otake Trading Co., Ltd. which was received by the Commission on April 1, 1981, and responses to other developments that have occurred since the Commission's hearing on November 12 and 13, 1980 will be accepted. The final date for submissions to the record is May 8, 1981.

EFFECTIVE DATE: April 23, 1981.

FOR FURTHER INFORMATION CONTACT: Daniel F. Leahy, Jr., U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, 202-523-1369.

By order of the Commission.

Issued: April 23, 1981.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12877 Filed 4-29-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-99]

Certain Molded-In Sandwich Panel Inserts and Methods for Their Installation; Investigation

AGENCY: International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on March 27, 1981, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), on behalf of Shur-Lok Corporation, 2451 White Road, Irvine, California 92713. The complaint alleges unfair methods of competition and unfair acts in the importation of certain molded-in sandwich panel inserts into the United States, or in their sale, by reason of (1) the alleged infringement by said molded-in sandwich panel inserts of the sole claim of U.S. Letters Patent 3,182,015, (2) the alleged infringement of claims 1-4 of U.S. Letters Patent 3,271,498 and all four claims of U.S. Letters Patent 3,392,225 and the inducement of and/or contribution to said infringement, and (3) the alleged misappropriation of complainant's trade secrets. The complaint further alleges that the effect or tendency of the unfair methods of competition and unfair acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States. The complainant requests that, after a full investigation, the Commission issue a permanent exclusion order and a cease and desist order.

AUTHORITY: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930 and in § 210.12 of the Commission's Rules of Practice and Procedure.

SCOPE OF THE INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on April 21, 1981, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, an investigation be instituted to determine whether there is a violation of subsection (a) of section 337 in the unlawful importation of certain molded-in sandwich panel inserts into the United States, or in their sale, by reason of (1) the alleged infringement by said molded-in sandwich panel inserts of the sole claim of U.S. Letters Patent 3,182,015, (2) the alleged infringement of claims 1-4 of U.S. Letters Patent 3,271,498 and all four claims of U.S. Letters Patent 3,392,225 and the inducement of and/or contribution to

said infringement, and (3) the alleged misappropriation of complainant's trade secrets, the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States;

(2) For the purpose of this investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is—Shur-Lok Corporation, 2451 White Road, Irvine, California 92713.

(b) The respondents are the following companies and are the parties upon which the complaint is to be served:

(i) The Young Engineers, Inc., 23151 Alcala Drive, B-5, Laguna Hills, California 92653—is allegedly engaged in the unlawful importation of certain molded-in sandwich panel inserts into the United States, or in their sale, in the inducement of and/or contribution to the practice of certain methods for the installation of said inserts (said inserts and methods being covered by one or more claims of complainant's patents hereinabove specified), and in the misappropriation of complainant's trade secrets; and

(ii) C&D Plastics, 5412 Argosy Drive, Huntington Beach, California 92649
Hitco Corporation, 18662 MacArthur Boulevard, Irvine, California 92707
Composites Unlimited, 17952 Cowan Street, Irvine, California 92714
U.O.P. Aerospace Division, 7107 Jackson Street, Paramount, California 90723
Weber Aircraft, 2820 Ontario Street, Burbank, California 91504—are allegedly engaged in the unlawful use of certain imported molded-in sandwich panel inserts and in the unlawful practice of certain methods for their installation (said inserts and methods being covered by one or more claims of complainant's patents hereinabove specified);

(c) Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall be the Commission investigative attorney, a party to this investigation;

Respondents named in paragraph (2)(b)(ii) above were not proposed by complainant but were named because allegations in the complaint so warrant.

(3) For the investigation so instituted, Donald K. Duvall, Chief Administrative Law Judge, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, shall designate the presiding officer.

Responses must be submitted by the named respondents in accordance with § 210.21 of the Commission's Rules of Practice and Procedure (19 CFR 210.21). Pursuant to sections 201.16(d) and 210.21(b) of the rules, such responses will be considered by the Commission if received not later than 20 days after the

date of service of the complaint. Extensions of time for submitting a response will not be granted unless good and sufficient cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the presiding officer and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter both a recommended determination and a final determination containing such findings.

The complaint, except for any confidential information contained therein, is available for inspection during official working hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT:
Ralph Elsas-Patrick, Unfair Import Investigations Division, U.S. International Trade Commission, telephone 202-523-0440.

Issued: April 22, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12873 Filed 4-28-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 337-TA-86]

Certain Shell Brim Hats; Termination

AGENCY: International Trade Commission.

ACTION: Termination of investigation and issuance of consent order.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has approved and issued a consent order in the above-captioned investigation, thereby terminating the investigation.

SUPPLEMENTARY INFORMATION: In connection with a complaint filed on May 4, 1980, under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) alleging unfair acts and methods of competition in the importation into and sale in the United States of certain shell brim hats, complainant, the Commission investigative attorney, and the respondents entered into a consent order agreement. Complainant is Zwicker Knitting Mills and respondents are Aris Isotoner Gloves Inc. and Aris (Philippines) Inc. In a notice of

investigation published in the Federal Register on June 25, 1980 (45 FR 42894), the Commission stated that the investigation was being undertaken to determine whether section 337 is being violated by reason of infringement of U.S. Letters Patent 3,898,699 by respondents' shell brim hats.

Copies of the Commission's Action and Order, the consent order, and all other non-confidential documents in the record of this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, telephone 202-523-0161.

FOR FURTHER INFORMATION CONTACT:
Jeffrey S. Neeley, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0359.

Issued: April 22, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12874 Filed 4-28-81; 8:45 am]
BILLING CODE 7020-02-M

[Investigation No. 22-43]

Certain Tobacco; Change of Date of Public Hearing

AGENCY: International Trade Commission.

ACTION: Change of date of public hearing in investigation No. 22-43 to June 24, 1981.

EFFECTIVE DATE: April 21, 1981.

FOR FURTHER INFORMATION CONTACT:
Mr. William Lipovsky, 202-724-0097.

SUPPLEMENTARY INFORMATION: The hearing in this investigation will be held beginning at 10 a.m., e.d.t., Wednesday, June 24, 1981, in the Commission's Hearing Room, U.S. International Trade Commission Building, 701 E Street NW., Washington, D.C. 20436. A hearing date of May 11, 1981, had previously been announced in the Commission's notice of institution of the investigation as published in the Federal Register of March 11, 1981 (46 FR 16162). The Commission's hearing has been rescheduled as a result of a request for a postponement by the United States Department of Agriculture in order to prepare its testimony on the issues involved in this investigation.

Persons wishing to appear at the hearing should follow the prehearing procedures outlined in the notice of March 11, 1981. Requests to appear at

the Commission's hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m., e.d.t.), May 27, 1981. The prehearing conference will be held on Friday, May 29, 1981, at 10 a.m., e.d.t., in Room 117 of the U.S. International Trade Commission Building. Nineteen copies of the prehearing briefs should be submitted to the Secretary to the Commission not later than the close of business on June 18, 1981. Written statements submitted by interested persons in lieu of an appearance at the hearing must be received not later than July 1, 1981.

Issued: April 21, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12675 Filed 4-28-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-75]

Certain Large Video Matrix Display Systems and Components Thereof; Change in Time Limit for Oral Argument on Violation

AGENCY: International Trade Commission.

ACTION: Change in time limit for argument on violation issue at Commission hearing on May 8, 1981.

SUMMARY: Upon a timely request by respondent SSIH Equipment S.A. showing need, the Commission has ordered that parties to the investigation be allowed 40 minutes for argument concerning the presiding officer's recommended determination at the May 8, 1981, hearing, rather than the 20 minutes specified in the notice of hearing, 46 FR 22995 (April 22, 1981).

FOR FURTHER INFORMATION CONTACT: Michael B. Jennison, Esq., Office of the General Counsel, U.S. International Trade Commission, 202-532-0350.

Issued: April 24, 1981.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12672 Filed 4-28-81; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. TA-203-7]

Nonrubber Footwear; Investigation Report To the President

April 22, 1981.

In accordance with sections 203(i)(2) and (i)(3) of the Trade Act of 1974 (19 U.S.C. 2253(i)(2) and (i)(3)), the United States International Trade Commission

herein reports the results of an investigation (No. TA-203-7) conducted with respect to nonrubber footwear.

Summary of advice of the Commission

The Commission unanimously advises, on the basis of information obtained in the investigation, that termination of the import relief presently in effect with respect to imports of nonrubber footwear from Taiwan would have a significant adverse economic effect on the domestic nonrubber footwear industry and therefore advises that such relief should be extended for 2 years at the 1980-81 quota year level¹ on all categories of footwear covered by the present relief except athletic footwear. The Commission further advises that, if import relief with respect to Taiwan is extended, the certificate of origin program concerning imports of footwear from Hong Kong should likewise be extended, since the program is an adjunct to the relief with respect to Taiwan.

Commissioners Alberger, Calhoun, and Stern further advise that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea and athletic footwear from Taiwan would not have a significant adverse economic effect on the domestic nonrubber footwear industry and therefore advise that such relief should not be extended.

Commissioner Bedell further advises that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea and athletic footwear from Taiwan would have an adverse economic effect on the domestic nonrubber footwear industry and therefore advises that the present relief should be extended for 2 years at the 1980-81 quota year levels.

Commissioners Alberger, Calhoun, and Bedell further advise that any proclamation extending relief should once again refer to the President's residual authority in section 203(e)(3) of the Trade Act in order to make it clear that the extended import relief includes the authority to provide additional relief in the event the initial relief proves ineffective.

Background

The investigation was instituted on December 5, 1980, following receipt on October 23, 1980, of a petition filed by the American Footwear Industries Association, the Amalgamated Clothing and Textile Workers Union, AFL-CIO,

and the United Food and Commercial Workers Union, AFL-CIO. Public notice of the investigation and hearing was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, D.C., and by publishing the notice in the Federal Register of December 11, 1980 (45 FR 81688). A public hearing in connection with the investigation was held on March 9-10, 1981, in Washington, D.C. All interested persons were afforded an opportunity to be present, to present evidence, and to be heard.

The information contained in this report was obtained from fieldwork, from questionnaires sent to domestic manufacturers and importers, from responses to Commission questionnaires sent in connection with the annual nonrubber footwear reports (Investigation No. 332-93), from the Commission's files, from other Government agencies, from information received at the hearing, from briefs filed by interested parties, and from other sources.

Statement of Chairman Bill Alberger, Vice Chairman Michael J. Calhoun, and Commissioner Catherine Bedell

On the basis of the information before the Commission in this investigation, it is our judgment that termination of the import relief presently in effect with respect to nonrubber footwear from Taiwan would have a significant adverse economic effect on the domestic nonrubber footwear industry, and therefore we advise that such relief be extended at the 1980-1981 fourth quota year level for an additional 2 years in order that the domestic industry may have more time in which to complete the process of adjusting to import competition. However, Commissioners Alberger and Calhoun advise that there is no need to extend such relief with respect to athletic footwear from Taiwan.

In addition, Commissioner Bedell is of the judgment that termination of the import relief presently in effect with respect to imports of nonrubber footwear from the Republic of Korea will have an adverse economic effect on the domestic nonrubber footwear industry and therefore advises that such relief should also be extended at 1980-1981 levels for an additional 2 years. However, Commissioners Alberger and Calhoun are of the view that termination of the import relief presently in effect with respect to such imports from Korea will not have a significant adverse economic effect on the domestic

¹ Commissioners differ with respect to the conditions under which relief should be extended.

industry and therefore advise that it need not be extended.

All three of us are of the judgment that the certificate of origin program presently in effect with respect to nonrubber footwear from Hong Kong should be extended for such period of time as relief with respect to Taiwan is extended, since this program operates as an adjunct to the relief concerning Taiwan. We further advise that any proclamation extending relief should, to the extent permissible by law, once again refer to the President's residual authority in section 203(e)(3) of the Trade Act of 1974, in order to make clear that the extended import relief includes the authority to provide additional relief in the event this extended relief proves ineffective.² We believe that effective use of this surge mechanism can be invaluable in assuring that the industry receives the necessary relief to continue its adjustment to import competition.

We are in full agreement (except as noted) in our assessment of the health of the domestic industry and its efforts to adjust to import competition. We are also largely in agreement with respect to our advice concerning the impact of termination of relief on the domestic industry and the need to extend relief. Since the bulk of the imports covered by the present relief are from Taiwan, we are in full agreement, with the exception of athletic footwear,³ regarding the need to extend the relief now in effect.

The major point of advice on which we differ concerns athletic footwear. Commissioners Alberger and Calhoun are of the view that the athletic footwear segment of the domestic nonrubber footwear industry is quite healthy and not in need of additional import protection. The bulk of the imports from Korea are in the form of athletic footwear. Commissioner Bedell, on the other hand, does not believe that the facts warrant the carving out of an exception for athletic footwear and further believes that the Korean industry, although smaller than that in Taiwan, has the ability to rapidly increase its exports to the United States and thus jeopardize the domestic industry's adjustment program already under way.

The above advice is based on our assessment of several factors, including the present state of the industry's health, levels and trends of imports during the relief period, particularly from Taiwan and Korea, efforts made by the industry to adjust during the relief period, and the factors set forth in section 202(c) of the Trade Act of 1974.

State of health of the industry and industry efforts to adjust to import competition

During the import relief period, the long-term decline of the domestic industry has slowed, employment and production levels have stabilized to a degree, and some economic factors, such as profits, have even shown modest improvement. However, the industry today is by no means healthy. During the relief period, the industry has made major efforts to adjust to competition by substantially increasing its investment in plant and equipment. The benefits of these investments are just beginning to be felt, but it will be some time before their full impact will be realized.

Domestic production, employment, and the number of firms producing nonrubber footwear continued to decline during the relief period, although at a slower rate than during the period preceding relief. Thus, between 1976 (the last full year preceding relief) and 1980, domestic nonrubber footwear production declined from 422.5 million pairs to 394.5 million pairs. This represented a decline of 8 percent, as compared with a 20 percent decline in production between 1972 and 1976, the period immediately preceding the OMA relief. Similarly, the number of nonrubber footwear production workers continued to decline from 149,600 in 1974 to 137,000 in 1977, the year in which relief was first provided, to 129,000 in 1980. Further, the number of firms producing nonrubber footwear has continued to decline, from 409 in 1974 to 334 in 1977, the year in which relief was granted, and to 307 in 1980. Despite this continued decline in number of producers, the industry has continued to have considerable unused productive capacity—23.8 percent in 1980 versus 23.3 percent in 1978 and 28.7 percent in 1977.⁴

⁴Chairman Alberger and Vice Chairman Calhoun note that all of the declines must be read against a general decline in apparent consumption and a slight increase in import market penetration. Moreover, some part of the decline in employment and in the number of producing firms must be viewed as part of the industry's adjustment process. For instance, the decline in producing firms tends to have come from the smaller producers. The decline in employment has been at a faster rate than the decline in production, alluding to an improvement in productivity. The impact of these factors is evident

The one area where there seems to have been some improvement in the state of health of the industry is that involving operating profit margins. Operating profit margins for the 68 firms furnishing usable data increased from 5.8 percent in 1977 to 6.5 percent in 1978, declined to 6.4 percent in 1979, and increased to 8.5 percent in 1980. However, the number of firms in the industry operating at a loss has remained relatively constant during the relief period (13 in 1977, 15 in both 1978 and 1979, and 14 in 1980). While profits were clearly better in 1980 than in some earlier years, on satisfactory year does not necessarily signify a trend.

The industry has made a considerable effort to improve its competitive position vis-a-vis imports during the relief period. First, annual new plant and equipment expenditures increased by about one-third between 1976 and 1979, with more than half of this investment dedicated to new machinery, equipment, and fixtures. Second, major technological innovations have been introduced or more widely used to reduce labor input. Such innovations have included laser cutting, flow molding, computer tape stitching, better lasting machinery, injection molding, and unit bottoms. Third, with the help of programs funded by the Department of Commerce, the industry has undertaken efforts to improve its marketing, designing, and responsiveness to style changes.

Imports during the relief period

Import restrictions during the period of relief applied to imports from only two countries, Taiwan and the Republic of Korea. The restrictions were in the form of import quotas based on orderly marketing agreements which the United States had negotiated with each of the two countries. The certificate of origin program with Hong Kong was established during the relief period in order to stem the alleged flow from Hong Kong of footwear assembled there with parts made in Taiwan. The certificate program has functioned as a valuable adjunct to the Taiwan quota and thus should be maintained if import restraints with respect to footwear from Taiwan are extended.

Taiwan filled all three elements of its quota in the first 3 years of the relief period and will fill all three elements in the fourth year if trends through the first three quarters of the fourth year continue. Korea filled both parts of its quota in the first year of the relief

in operating profit margins, the one area in which there seems to have been clear improvement in the health of the industry.

²A question was raised in the hearing and in submissions filed by both the domestic industry and importers as to whether an extension of relief includes the residual authority of the President to impose additional relief when an OMA does not continue to be effective. This issue seems to be one more properly answered by the President than by this Commission.

³See the additional statements of Chairman Alberger and Vice Chairman Calhoun and Commissioner Bedell *infra*.

period, but filled only the larger of the two categories (athletic and footwear other than leather) in the second and third years. In the fourth year, Korea seems likely to fill only its athletic footwear category, which was 86 percent full at the end of the first 9 months of the quota year.

The quotas on imports from both countries have clearly restricted imports from the two countries during the quota year. Imports from Taiwan totalled 166.5 million pairs for calendar year 1977, but only 122 million pairs, the maximum permitted, during the first quota year (June 28, 1977-June 30, 1978). Imports from Taiwan were permitted to increase slowly to 130.7 million pairs in the present quota year (a level not yet but likely to be reached). Imports from Korea totalled 58.6 million pairs in calendar 1977, but were limited to 33 million pairs in the first quota year (July 1, 1977-June 30, 1978). The fourth year quota permits Korean imports to increase to 38 million pairs.

Imports from all countries other than Taiwan and Korea have increased by an average of about 10 percent per year during the calendar years covered by the quotas (1977-1980). In 1978 and 1979, imports from Italy more than doubled, due to demand for a particular style of shoe, the "Candie." Imports from Italy declined to half the 1979 level in 1980. It is our view that the surge mechanism is appropriate for dealing with such increases and may be useful in looking at increasing imports from other countries not under restraint.

Extension of relief for 2 years

Relief in the form of quantitative restrictions at present levels (i.e., July 1980-June 1981 levels) on imports of footwear from Taiwan (except, in the opinion of Commissioners Alberger and Calhoun, restrictions on athletic footwear) should be continued for an additional 2 years for several reasons.

First, the industry needs added time to adjust. Four years is a short adjustment period when viewed in the context of the length of time required to devise and implement new technology, marketing approaches, and other adjustment efforts. The recent recession and high inflation rate have made it more difficult to invest in new plants and equipment or to modernize old plants and equipment, which is a very important part of the adjustment process. Further, the quotas did not have much of an impact on imports until well into the first quota year because of large importer inventories built up in anticipation of some kind of Presidential action. In view of the anticipated slowness of this adjustment process, the

Commission recommended at the time it found the requisite serious injury in early 1977 that relief be provided for the full 5-year initial period.⁵

Second, the overall industry is not "healthy" at this time, even though many of the key economic indicators which together show its overall condition have stabilized. Better profits for 1 year, 1980, are not necessarily indicative of a trend. Import penetration during the relief period has increased from 44 percent to 49 percent, which means that the domestic industry is giving up nearly one half of its home market to imports and remains vulnerable to increased penetration and injury in the absence of additional protection. However, in view of efforts presently being made by the industry, there is good reason to believe that the industry, with another 2 years of relief, will be more demonstrably on its way to recovery and better able to withstand import competition.

Third, Taiwan, with its export-oriented production and competitive prices, remains a serious threat to the domestic industry. Taiwan has consistently filled all three categories of its quota, indicating that imports from Taiwan would be appreciably higher, perhaps as high as or higher than pre-quota levels, in the absence of an extension of relief. The domestic industry has raised its prices only moderately since the beginning of relief, by about 9 percent annually, primarily in response to rising raw material (especially leather) and labor cost. Termination of relief at this time would exert downward pressure on industry prices and increase the vulnerability of the industry.

Fourth, the domestic nonrubber footwear industry is one that has been long beset with import problems. It has sought import relief since the late 1960's but only received relief since 1977, although many firms and workers in the industry had received adjustment assistance prior to that time. Congress clearly had the well-being of this industry in mind when it passed the Trade Act of 1974 and when it subsequently made some minor changes to provisions relating to section 201 investigations.⁶ The industry provides

⁵ In the earlier investigation, No. TA-201-18, Commissioner Bedell found the industry to be seriously injured and recommended the provision of relief for a 5-year period.

⁶ For example, Congress provided in sec. 503(c)(1) of the Trade Act (19 U.S.C. 2463(c)(1)) that most nonrubber footwear articles are by law "import-sensitive articles" and are therefore not eligible for duty-free treatment under the Generalized System of Preferences (GSP); and in 1976 Congress amended sec. 330(d) of the Tariff Act of 1930 (19 U.S.C. 1330(d)) to redefine the concept of "remedy

employment to thousands of low-skilled persons, mostly located in small towns, a majority of them women, a large proportion of whom are older, and many of them of minority groups. They are among our lowest paid industrial workers, earning an average of \$4.42 per hour in 1980. Alternative employment generally is not available. Many are secondary wage earners for whom relocating is out of the question because it would require relocation on the part of their spouses or other family members. We believe that the industry is on the threshold of recovery and that extension of the present relief should make it possible to preserve many of these jobs after extended relief expires.

In deciding what advice we would give, we reviewed the various considerations set forth in section 202(c) of the Trade Act and have touched upon many of these considerations in the discussion above. While we subscribe to the comments regarding these considerations set forth beginning on p. A-87 of the attached report, we would like briefly to comment further on several of them. First, the information before the Commission clearly shows that the United States is the focal point for exports of nonrubber footwear from Taiwan. The United States is and has been the most open large market in the world for footwear imports despite the recent restrictions. Most of the production facilities in Taiwan remain geared to serving the U.S. market. Second, we do not believe that relief has had or that the extension of relief will have a significant impact on U.S. consumers. During the relief period prices have risen only modestly and sufficient quantities of all types and styles of footwear have remained available. Third, we believe that the relief presently in effect has been generally effective in promoting adjustment by the industry to import competition. However, as indicated above, we believe that the relief can be more effectively implemented and that extension as indicated is essential for sufficient adjustment to occur. Finally, we believe, for reasons articulated above, that significant economic and social costs may be incurred by taxpayers, communities, and workers if the present relief is not extended.

finding" of the Commission in view of Congress' inability to require the President to provide relief as a result of the first affirmative Commission footwear determination under sec. 201 of the Trade Act (investigation No. TA-201-7)—sec. 1801(a) of the Tax Reform Act of 1976 (Pub. L. 94-455, 1976).

*Additional Statement of Chairman
Alberger and Vice Chairman Calhoun **

As stated above, it is our advice that relief with respect to all nonrubber footwear imports from Korea, which is primarily in the form of athletic footwear, and athletic footwear imports from Taiwan can be terminated without adversely affecting the domestic industry to any significant degree.

It is our judgment, based on the best information available to us, that the segment of the domestic nonrubber footwear industry producing athletic footwear is healthy and has been for the duration of the relief. This judgment was confirmed by testimony of the only domestic industry official to appear at the hearing urging extension of relief; no other producer of athletic footwear supplied information to the contrary.⁷ While most categories of nonrubber footwear experienced continuous declines in production during the period of import relief, production of athletic footwear increased 56 percent, from 16 million pairs in 1977 to 25 million pairs in 1980. This significant increase occurred despite an equally significant overall increase in the level of imports of athletic footwear. The relative shares of the market held by domestic producers and by importers remained essentially unchanged throughout the period. The net effect, therefore, is that both domestic producers and importers have benefitted equally in the growing market for athletic footwear. Further, the best available financial data concerning domestic firms producing athletic footwear⁸ indicate that such firms have had an average operating profit margin during the relief period which is considerably higher than the average operating margin of 6.8 percent for the domestic industry during the relief period.

As a further matter, close analysis of the pattern and concentration of imports from Taiwan might suggest the possibility of terminating import restrictions with respect to Taiwan on certain types of shoes. Such a termination of restrictions could be based on information showing that these types of shoes are characterized by low total import penetration from Taiwan, concentration of these imports in the lower price ranges, and concentration of domestically produced shoes in the medium and higher price ranges. A

further characteristic of these types of shoes is high import penetration from countries not covered by the OMAs. In this regard, we consider six types of shoes: men's, youth's and boy's leather dress shoes and casuals; men's, youth's, and boy's leather boots; leather work shoes; women's and misses' leather dress shoes and casuals; women's and misses' leather boots; and leather sandals. During the last 2 years, import penetration from Taiwan for all of these types of shoes was less than 7 percent, and in each of these types, imports from Taiwan were concentrated in the two lowest price ranges.

We have considered this argument and decided to raise it for the President's review. However, we are concerned that, if these items were removed, Taiwan has the ability to shift production into those exempt categories. That would nullify the remaining relief to the domestic industry during the 2-year extension period.

We would terminate all relief with respect to Korea for two reasons. First, the major portion of the nonrubber footwear imports entering under the Korean quota is athletic footwear covered by the category commonly called K-2, which contain vinyl footwear, and footwear not covered by the other Korean category. In our view, the U.S. industry no longer needs protection from such imports.

Second, Korea has failed to fill in 2 of the last 3 years the second part of its quota (the category commonly called K-1, which covers leather footwear other than athletic), and it seems unlikely to fill this second part in the fourth year as well. In the third quota year, Korea filled only 31.7 percent of that part of its quota, and in the first 9 months of the fourth quota year Korea had filled only 23 percent. Imports entering under category K-1 have been negligible, accounting for approximately 1 percent of total apparent U.S. consumption during the relief period. We are persuaded by the Koreans' claim that they have lost their competitive advantage in this field as a result of increased raw material and labor costs.⁹ Because imports of such leather footwear from Korea have been far under the level allowed by the quota and because it appears unlikely that a continued quota would have a restraining effect on such imports in the near future, we advise that this aspect of the quota be terminated. If such imports suddenly increased again, an event we

think most unlikely, the surge mechanism should be used to deal with them.

Finally, it is our view that the extension of import relief with respect to Taiwan may, if certain conditions are met, be further relaxed at the present rate of a 2.4 percent quantitative increase per year. The gradual reduction in the level of relief that was built into the existing OMA with Taiwan theoretically promotes the continuing process of adjustment to import competition during the period of relief. While we generally agree with this mechanism for easing the domestic industry into a more competitive environment, we believe that this orderly transition could be seriously disrupted by surges of imports from other countries not under an agreement. Thus, it is our view that the relaxation of import restraint levels with respect to imports from Taiwan should only be undertaken if the surge mechanism is to be continued as part of the extended relief and if it is effectively utilized to prevent any further erosion of the market share held by the domestic industry.

*Additional statement of Commissioner
Bedell concerning relief with respect to
imports of athletic footwear and imports
from Korea*

I advise that import relief presently in effect should be extended for 2 years and, more specifically, that the relief applicable to athletic footwear from Taiwan and nonrubber footwear from Korea should *not* be terminated. My reasons for these conclusions are set forth below.

First, I do not think that there is sufficient information to permit us to draw separate conclusions concerning the athletic footwear segment of the domestic industry. My colleagues have based their conclusions in large part on financial information supplied by four firms accounting for only about 17 percent of domestic athletic footwear production. These four firms were the only firms to supply us with usable financial information primarily relating to athletic footwear operations. I do not believe that data from four firms accounting for only 17 percent of domestic athletic footwear production is necessarily representative of general conditions concerning such production in the United States. Furthermore, financial data received from other large domestic producers of athletic footwear who make other types of footwear and who could not or did not provide separate financial data on the profitability of their athletic footwear

⁷See the testimony of Jerry Turner, Executive Vice President of Brooks Shoe Manufacturing Co., in the transcript of the Mar. 9, 1981, public hearing, pp. 125-322, especially p. 190.

⁸We have based our judgment on questionnaire data received from four firms accounting for 17 percent of total domestic production of nonrubber athletic footwear in 1980.

⁹See, for example, the posthearing brief of the Korean Footwear Exporters Association and the Korean Leather Products Exporters Association, p. 1.

operations show profit margins which closely approximate the average profit margin of the whole industry and therefore indicate that the profit margins of the four firms may well not be representative of profit margins for athletic footwear operations. Thus, while it is possible that some domestic producers of athletic footwear may be doing well, there is no body of information which convinces me that on balance the economic condition of athletic footwear operations differs markedly from nonathletic footwear operations.

Second, I believe that producers of footwear in Taiwan and Korea continue to pose a serious threat to domestic nonrubber footwear producers, including those producing athletic footwear. Korea in particular filled the athletic footwear category of its quota in the first 3 years of the quota period and had filled 86 percent of the fourth year quota in the first 9 months of the quota year. Furthermore, Taiwan, which does not have a separate quota category for athletic footwear, has filled all three of its quota categories in the first 3 years of the relief period and will do so again in the fourth year if present trends continue. Even with orderly marketing agreements in place, Taiwan and Korea accounted for 65 percent of domestic athletic footwear consumption in 1980. Thus, I believe that in the absence of continued relief imports of athletic footwear from Taiwan and Korea will increase both in absolute terms and as a share of U.S. consumption.

Third, Korean nonrubber footwear exports in general remain a serious threat to the domestic industry. Korean production is highly export oriented, and an average of nearly 80 percent of Korean footwear exports have been shipped to the U.S. market during the period 1977-80. The Korean industry is dominated by four firms which collectively account for over half of total Korean footwear production (including types of footwear not covered by the relief). The industry has shown considerable ability to accommodate to changing market conditions and has upgraded the quality of its exports during the relief period. This adaptability of the Korean industry and knowledge of the rapid rate at which Korean exports to the United States increased prior to the imposition of quotas (Korean exports of nonrubber footwear to the United States increased at an annual rate of 85 percent during 1974-77) lead me to believe that the conditions confronting the U.S. industry with regard to Korean imports in 1977 could readily recur and jeopardize the

adjustment process underway if existing relief is allowed to terminate.

Statement of Commissioner Paula Stern Framework for Advice

The purpose of this investigation—and of this statement—is to provide advice upon which the President can base his decision to extend or alter the import relief program currently in effect for the domestic nonrubber footwear industry. The Commission's counsel is based on its "judgment as to the probably economic effect on the industry of the extension, reduction, or termination of the import relief * * *." [Emphasis added.] ¹⁰ Section 203(i)(4) of the Trade Act directs that such advice take into account all relevant economic factors, including the considerations set out in section 202(c) and the progress and specific efforts made to adjust to import competition. ¹¹

My examination of these factors takes place within the framework of the dual objectives of the escape clause: (1) The prevention or remedy of serious injury to the domestic industry, and (2) adjustment of the industry to import competition. ¹² Essentially, in order to merit extension of import relief under the escape clause, it must be clear that an industry is either still experiencing serious injury or has not adjusted to import competition, or both. ¹³ In either case the probably economic effect of termination would be adverse, assuming that the foreign potential to supply has not shifted significantly since the original investigation.

Section 203(i)(4), however, provides guidance which should take the Commission beyond a simple comparison of the health of the domestic industry in relation to the two goals of the escape clause. For example, by directing the Commission to examine specific efforts made by the industry to adjust, the statute implies that if an industry is not making serious adjustment efforts the Commission need not advise the President to continue

relief. The legislative history of the escape clause supports this view: ¹⁴

The escape clause is not intended to protect industries which fail to help themselves become more competitive through research and investment efforts, steps to improve productivity and other measures that competitive industries must continually undertake. ¹⁵

The framework for my advice regarding the scope of relief in an extension period is derived from section 201(d)(1)(A) which limits the remedy to only such relief as is "necessary to prevent or remedy the injury." This direction applies equally to a 203 investigation. In an investigation instituted under section 203(i)(2) the Commission is instructed to consider "reduction," not simply extension or termination of import relief. Section 203(h) makes clear that Congress's intent is that relief be phased down "to the extent feasible" and if extended, be at a level no greater than that in effect immediately prior to the extension. The petitioner's position in this investigation, that exemption of a particular category of footwear or a particular country from a recommended extension is "impermissible," is not valid. In a 203 investigation, any relief should be tailored to the problems at hand at the time of the investigation.

Condition of the U.S. Nonrubber Footwear Industry ¹⁶

U.S. workers in the labor-intensive nonrubber footwear industry are not overpaid relative to U.S. wage earners in general. ¹⁷ But, they are paid considerably more than their foreign counterparts. In 1978, for example, average hourly earnings in Korea and Taiwan averaged 15 percent of the U.S. rate. This significant wage rate differential has given rise to the view of

¹⁰ Section 203(i)(4) has not been specifically interpreted by the Congress.

¹¹ Senate Report, at 122.

¹² I do not believe that Commissioners are bound in a 203 investigation, under the escape clause statute or through the principle of *res judicata*, to the Commission majority's industry definition made at the time of the original 201 investigation. The doctrine of *res judicata* applies to decisions of administrative agencies only when the agency is acting in a judicial capacity and confronted with a set of static facts (i.e., facts that cannot change). In the present case the Commission is neither acting in a judicial capacity nor confronted with a set of static facts. Nevertheless, I do not find it necessary or feasible to revise the 201 industry definition in this case. Since section 203 is a remedy exercise, it is possible to examine appropriate segments of the industry without formally changing the industry definition.

¹³ Workers in plants producing nonrubber footwear were paid substantially lower wages than workers in nondurable manufacturing during the 1974-80 period. See Report, A-50.

¹⁴ This investigation was instituted under sections 203(i)(2) and 203(i)(3) of the Trade Act of 1974 (Trade Act).

¹⁵ Section 203(i)(4) of the Trade Act. For statutory background on section 203(i) see Views of Commissioners Alberger and Stern, *Stainless Steel and Alloy Tool Steel* (Investigation No. TA-203-5).

¹⁶ Section 203(a) of the Trade Act. See also *Trade Reform Act: Report of the Committee on Finance* * * *, S. Rept. No. 93-1296 (93d Cong., 2d Sess.) 126 (Senate Report).

¹⁷ To make such a judgment, focus is placed on the current state of the industry. But, the "current" focus is not done with blinders on. The latest data is assessed in relation to industry indicators not only for the relief period, but also in relation to the condition of the industry health prior to the provisions of relief.

some that this industry is terminally ill—that for this industry adjustment to import competition consists of an orderly demise, others point out that competition consists of an orderly demise. Others point out that competition in the footwear industry encompasses many factors besides wage rates—that appropriate marketing strategies and manufacturing flexibility together with innovative production techniques and proximity to the market could result in adjustment to import competition in carefully selected product lines. Data gathered in this investigation support this more optimistic view.

The domestic nonrubber footwear industry is no longer experiencing serious injury. It is clearly adjusting to import competition; declaring the industry as a whole adjusted to import competition would be premature.

Some of the data¹⁸ gathered in this investigation show further negative trends since the 201 investigation—but the magnitude of these trends certainly does not parallel developments prior to the provision of import relief.¹⁹ Though consumption was basically steady from 1977-79, dropping significantly only in 1980, shipments and capacity fell regularly, 10 percent (in quantity) and 6 percent respectively from 1977-80.²⁰ Production and employment held nearly steady from 1977-78 but dropped thereafter. From 1978-80 production declined 6 percent and employment dropped 3 percent. Meanwhile inventories rose 4 percent in quantity over the relief period and 53 percent in value.

¹⁸ The Commission staff made strenuous efforts to obtain responses to the questionnaire which was sent to all domestic nonrubber footwear producers. Despite these efforts, the response rate of the petitioning industry was disappointing. Even some companies which undertook the considerable time and expense to send a representative to Washington to testify at the Commission's hearings did not respond to the questionnaire. I do not think it is appropriate to speculate that companies that did not respond were too unprofitable to do so. One could just as easily speculate that such non-respondents are so profitable that they chose not to submit data in order to encourage a recommendation for extension. Fortunately, the questionnaire data for certain indicators can be supplemented in this investigation by Department of Commerce (DOC) data. On factors not available from DOC, e.g., profitability, I must rely on the questionnaire responses alone.

¹⁹ Over the five-year period prior to the provision of import relief (1971-76), data indicate that domestic capacity, production, shipments, and employment all declined by approximately 20 percent.

²⁰ Though the OMAs began in mid-1977, the data used in this analysis will include all of 1977. Data is not available which precisely coincides with the OMAs. I do not believe that the use of full 1977 data seriously affects my analysis.

Do these negative trends demonstrate continued serious injury? The petitioners certainly think so; those opposed to the petition do not. First, some opponents suggest that these data point to "stabilization" of the industry in a condition which is said to be an improvement over serious injury. Second, other opponents to the petition suggest that, to advise the President that the "reconstituted" industry is still experiencing serious injury, the Commission must, in effect, find a reoccurrence of serious injury during the relief period. These parties seem to expect the Commission to isolate the data for the relief period alone to ascertain if the negative trends from the beginning of the relief period (1977) to the end of the relief (1980) are of sufficient severity to support a finding of serious injury.

I reject both suggestions of the opponents. The slowing of some negative trends since the 201 does not necessarily indicate "stabilization" in an improved condition; such trends could instead indicate "stabilization" in a condition of serious injury. Examination of all the information available in the investigation is necessary.

The second suggestion is simply not in line with the statute; nowhere does the statute direct the Commission to focus exclusively on the relief period to determine anew if the industry has been seriously injured.²¹ Since the aim of import relief is to lessen import competition for a temporary period, it would be illogical to expect a domestic industry to demonstrate serious injury substantially caused by imports during a period when relief from such injury was in effect.

Examination of the additional available data in this investigation reveals that the petitioner's view is equally unconvincing. In particular, the financial data belie the assertion that the industry is still experiencing serious injury. In 1980 the pre-tax profit margin for the nonrubber footwear industry at 7.4 percent was nearly at the level of all manufacturing (7.8 percent).²² Moreover, the strong financial performance in 1980 was not limited to the largest firms. A look at the operating profit margin of firms by range of production reveals that for all categories, except the smallest, the profit margin was 6 percent or above. It is difficult to determine the profitability of these small firms since

²¹ My reference to the serious injury factors in the Views of Commissioner Alberger and myself in *Stainless Steel and Alloy Tool Steel* was not intended to imply that an industry must demonstrate existence of serious injury for the relief period exclusively.

²² Report at A-61.

many are owner-operated and profits are taken out in salaries and other benefits.²³ The largest firms (with production ranges of from 2 million to 4 or more million pairs) which account for roughly 85 percent of U.S. footwear production averaged profit margins of from 8.3 to 9.3 percent in 1980.

Since the nonrubber footwear industry is not a capital intensive industry, an average profit return on net sales can produce a higher than average return on total assets and stockholders' equity. Still the data for 1980 are striking. Both the ratio of net profits before taxes to total assets and the ratio of net profit before taxes to stockholders' equity rose over 50 percent from 1979 to 1980. While these two ratios were below the rates for all manufacturing in 1979, they were either twice or nearly twice the rate for all manufacturing in 1980.

Given this financial performance, the industry can no longer be said to be experiencing serious injury. The more difficult issue is whether the industry has adjusted to import competition. Neither the statute nor the legislative history provide a definition of such "adjustment."²⁴ A natural measure of "adjustment" is the standard business measure of success—profitability. In fact, in this case where import levels did not decline over the relief period,²⁵ a good profitability "showing" is more indicative of "adjustment" to open trading conditions than of adjustment to a stringently protected market. The performance of the industry in foreign markets may also be a sign of adjustment. From 1977-80 exports grew some 141 percent.²⁶

Over the relief period the industry, with intensive government support, has made serious efforts to adjust. These efforts are detailed on pp. A-24-36 of the accompanying report. Though increases in capital expenditures (in real terms), and productivity are not particularly impressive, the participation in the Department of Commerce's Footwear Revitalization Program, the results of the Commission questionnaire on efforts to compete, and the data on the spread of use of new technologies in

²³ *Ibid.*, at A-60.

²⁴ S. Rept. at 128 and Trade Reform Act of 1973: Report of the Committee on Ways and Means * * *. H. Rept. No. 93-571 (93d Cong., 1st Sess. 1973), 52.

²⁵ The level of imports remained basically steady over the relief period, except for the "surge" in 1979, as a result of a fleeting but substantial fashion shift to Italian made "Candies." The import/consumption ratio grew two percent over this period. See Report at pp. A-21-22 and G-4.

²⁶ Report at A-45.

the industry all indicate that the industry is making adjustment attempts.

The record as a whole yields a picture of an industry in the process of restructuring that is beginning to see the fruits of its efforts. The negative trends are in part a reflection of this restructuring. Information on plant closings must be balanced with the fact that a substantial number of new plants opened during the same period.²⁷ The number of small producers—historically the least profitable according to published data—has declined dramatically. The number of producers at the upper end—1 million to over 4 million pairs—has increased. The financial data seem to demonstrate that the results of this shifting have only recently become visible. From 1977-79 the net profit before taxes to net sales ratio for the industry was below that of other manufacturers in each year. During that period, however, the largest producers still made respectable profits. In 1980 profitability for nearly the entire industry increased dramatically.²⁸

It is still too soon to pronounce the industry "adjusted." The recent stronger industry performance—particularly the 1980 financial data—has been aided by ephemeral fashion trends (for example, for the "preppie" look and cowboy boots) and by the decline in the record-high 1979 leather prices without a concomitant decline in shoe prices. Without these favorable circumstances, the current condition of the industry might be less rosy. As a whole, the industry is adjusting, but it needs more time to consolidate its position, to assure that its 1980 performance is at least a new plateau if not the beginning of a resurgence.

Relief Under Proclamation 4510

Taiwan

Termination of the Orderly Marketing Agreement with Taiwan in June 1981 would have a significant adverse economic effect on the U.S. industry and therefore the relief should be extended for two additional years. Some adjustments in the level of relief, however, would be advisable.

Taiwan is by far the largest foreign supplier of nonrubber footwear to the U.S. market. Even with the OMA in place Taiwan's exports to the U.S. in 1980 were more than triple those of the next largest foreign supplier. In that

year, imports from Taiwan accounted for 39.4 percent of total U.S. imports.²⁹

Taiwan is capable of substantially increasing its exports.³⁰ The industry is almost entirely export-oriented, with only three percent of production retained for the domestic market. This export performance is important to Taiwan; in 1979 footwear manufacturing ranked as Taiwan's fourth most important export industry in terms of value. Exports to the U.S. already comprise the bulk of Taiwan's total exports (51 percent), and the possibility that even more shipments could be directed to the United States is real since Taiwan faces import restrictions in a number of other countries.³¹

The nature of Taiwan's shoe industry also demonstrates the potential for increased exports to the United States. Factories in Taiwan are small, with the average factory employing about 200 to 250 workers, and they are capitalized at low levels. In 1979, approximately half of the factories were capitalized at less than \$3,000. As a result, the industry is characterized by much fluidity. The ease with which it can grow has been seen. From 1967 to 1973 the number of shoe factories in Taiwan increased from 30 to 280; by 1979 there were 582 factories.

Developments over the relief period have not significantly altered Taiwan's potential. Though labor is said to be tight, labor turnover in this industry is high, and given recent rapid increases in wage rates it is doubtful that labor availability will seriously affect the growth rate of the industry. Currently, the real limit to Taiwan's growth is the size of the unrestricted world market. Competition from other low cost producers (e.g., Hong Kong, Singapore, PRC) is growing, but at least for the near future importers have indicated that

²⁹ Report at G-4.

³⁰ Both the petitioner and the Commission staff have projected the level of import growth if OMAs were discontinued based on historic trends. The validity of extrapolating a trend is based on the assumption that what happened in the past will continue in the future. In the case of footwear imports, there are two good reasons to expect that the future will not be like the past. First, the growth rates of imports in the early 1970's were high because they began from a small base. Second, new competitors have become established over the OMA period. It will be much more difficult for Taiwan and Korea to resume their pre-OMA growth rates if the OMAs are terminated. The Commission staff has tried to take some account of these factors in its projections. Nevertheless, I consider historically-based projections of future import levels without OMAs to be of limited value in assessing the expected impact of termination of OMAs with particular countries. A more reliable estimate of the real potential of a country to supply the U.S. if relief is terminated can be obtained by also considering the current condition of its industry.

³¹ Report at A-72 and A-94.

Taiwan is still the preferred supplier.³² Taiwan's short-term prospects are particularly good, as its major competitor, Korea, is facing higher costs.

Taiwan's shipments to the United States under the OMA fall into three categories.³³ All three categories have been completely filled throughout the entire relief period. These shipments cover a broad spectrum of shoe categories. Taiwan's U.S. market share increased over the OMA period in women's and misses' leather boots; men's, youth's and boys' plastic dress and casuals; women's and misses' plastic dress and casuals; women's and men's plastic boots; men's, youth's and boys' fiber dress and casuals; and athletic footwear. In two other categories—women's and misses' plastic sandals and women's and misses' fiber dress and casuals—its share fell during the OMA period, but it was still substantial, 55.2 percent and 26.8 percent respectively. Clearly, Taiwan's capability creates competitive pressure on the U.S. industry over a broad range of product lines.

In my view the condition of the U.S. industry warrants an extension of the OMA with Taiwan for an additional two years. The domestic industry has presently not adjusted to the point that it would not be adversely affected by termination of the Agreement in June 1981. But the data on the industry are favorable enough that I advise against extending relief for the entire three years permissible under the statute. Continuation of the certificate of origin program instituted with Hong Kong to prevent the transshipment of shoes made in Taiwan is also appropriate. Transshipment could just as easily become a problem during an extension period as it did during the original relief period before the certification process was established.

I further advise two adjustments to the relief. First, in line with the discussion below (see Korea, p. 38), I advise exclusion of athletic footwear. I do not think it would be equitable to terminate the OMA with Korea and yet include athletic footwear in a new OMA with Taiwan.

Second, I think it would be useful to adjust the overall quota levels upward each year as was done under the original OMA. Congress clearly intended that relief under the escape clause be phased down to the extent

²⁷ Report at A-39. The usefulness of the available data on openings and closings is limited. The staff was not able to ascertain how many closings were in fact consolidations.

²⁸ Report at A-59 and discussion on profit and loss on pp. 27-28 of this statement.

³² Hearing Transcript at p. 349, American Importers' Association Prehearing Brief at pp. 21-24, Volume Footwear Retailers of America Posthearing Brief at p. 6.

³³ Report at A-9.

possible during the relief period.³⁴ Congress's aim was to encourage a more orderly adjustment process. Increasing the number of imports each year in the relief period necessitates adjustment decisions by firms and workers thereby preparing them for the legally inevitable time when relief expires. In this industry many workers do not have the skills or mobility that facilitate adjustment. A phase-down of relief would encourage workers to make realistic plans rather than deluding them with an unsustainable sense of security.

The current OMA allows for a yearly increase of 2.4 percent in the overall quota level. I advise that if an OMA with Taiwan is extended that provision also be made for a similar³⁵ or somewhat higher increase in the quota level each year. In light of the consumption projections made by the Commission staff³⁶, such an increase would not place an undue burden on the domestic industry, but would encourage further adjustment.

This advice was developed taking into account section 202(c) considerations, some of which have already been addressed. A full discussion of these considerations, which I endorse, is included in the Report (at pp. A-88 through A-95). In these views I want to emphasize that I have closely examined the economic and social costs that may be incurred by taxpayers, communities and workers if the present relief is not extended (section 202(c)(9)) as well as the costs of extension of relief to consumers (section 202(c)(4)). Though the negative effects on consumers were alleviated to some degree over the original OMA period as a number of U.S. importers simply initiated or expanded purchases with non-controlled foreign producers of low-cost footwear, it is clear that the OMA did increase the burden on consumers and that an extension will continue this burden.³⁷ Limiting an extension with Taiwan to two years and including the adjustments I have advised will lessen this burden somewhat. I also considered two further adjustments that were appealing in terms of consumer interests—exclusion of low value footwear and/or exclusion of children's and infants' footwear. In conclusion, however, I must advise that, based on the information before me, the economic and social costs to the U.S. industry and its workers of these adjustments

outweigh the benefits they would provide to U.S. consumers.

It is true that the U.S. industry has not played a key role in supplying the domestic market with low-priced footwear (e.g., \$4-and-under a pair) except in the children's and infants' and athletic categories.³⁸ But with the adoption of labor-saving devices such as injection molding machines, the industry seems to be developing a new competitive capability in this market.³⁹ Exclusion of low-priced footwear from the OMA could stymie these developments. Innovative low-priced producers using the latest technology could use more time to develop their marketing strategies and consolidate their supplier links.

The existence of a low-value footwear exclusion would also have an adverse impact on domestic producers of medium-priced shoes. Some consumers might shift away from purchases of domestic medium-priced shoes as the supply of cheaper shoes from Taiwan increased. Also, some producers in Taiwan would undoubtedly lower the prices of their shoes to avoid the OMA, particularly since they would no longer have to pay the alleged quota fee. As producers of shoes priced closest to the value-break lower their prices to avoid the OMA, the competitive pressure on U.S. producers of medium-priced footwear would further increase. The relief provided by the extension would thus be nullified.⁴⁰

I also considered exclusion of children's and infants' footwear. Data available to the Commission, however, indicate that this segment of the domestic industry is particularly weak. Profitability in 1980 was well below the industry average.⁴¹ The probable economic effect of an exclusion would, therefore, argue against excluding this category from relief.

Korea

Termination of the Orderly Marketing Agreement currently in effect with the Republic of Korea would not have a significant adverse effect on the U.S. industry.

Korean exports to the U.S. that are controlled by the OMA fall into two categories: Leather footwear except athletic (K1) and leather athletic footwear (K2). However in 1980, nearly

77 percent of such exports were leather athletic footwear. The quota has been completely filled for this category in each quota year, and in fact adjustments permissible under the Agreement have been made to accommodate maximum allowable exports. Still the OMA has probably been only minimally effective in controlling the level of Korean athletic footwear exports. Korean manufacturers learned early on that with only a minor adjustment to the shoes (substitution of a vinyl for a leather strip) shipments could be made under a TSUS item (700.60 rubber/fabric footwear) that was not covered by the Agreement.⁴² Shipment of athletic shoes as rubber footwear has not been entirely satisfactory for Korean manufacturers, however, U.S. duties on medium- and lower-priced athletic footwear amount to about \$1.50 to \$2.25 a pair more if the shoes are classified as rubber rather than nonrubber footwear. As a result, termination of the OMA, or exclusion of athletic non-rubber footwear, is likely to bring about a reverse shift—a leather strip would be substituted for a vinyl strip to obtain the duty savings. Overall, I would expect exports to the U.S. to increase only to the extent that this duty savings, if passed on to the customer, creates some additional demand.

In light of the objectives of the escape clause, however, U.S. producers of athletic footwear—the segment of the industry most fully affected by Korean shipments—should not be protected from this somewhat intensified competition. These producers have had a robust performance over the relief period despite the limited protection provided. Shipments and production of athletic footwear increased roughly 56 percent from 1977 to 1980 and there has been a substantial increase in U.S. exports of inexpensive mass-produced athletic footwear. Inventories were cut in half over the period, and unfilled orders increased. Capacity utilization, at about 81 percent, was well above the average for other segments of the nonrubber footwear industry. Furthermore, data available to the Commission on the financial performance of U.S. footwear producers with substantial athletic footwear production shows that profits for these producers over the entire OMA period have been higher than the industry average and that for both 1979 and 1980 profit margins were above the level for all U.S. nondurable goods and for all

³⁴ Trade Act, sections 203(h)(2), 203(h)(3) and 203(h)(4).

³⁵ I point out that Chairman Alberger and Vice Chairman Calhoun have also discussed a relaxation of relief along the same lines.

³⁶ Report at A-81.

³⁷ Report at A-78.

³⁸ Report at A-67.

³⁹ Hearing Transcript at 152-3.

⁴⁰ Likewise, I agree with Chairman Alberger and Vice Chairman Calhoun that exemption of certain leather footwear types from the OMA coverage would nullify the remaining relief.

⁴¹ Profitability refers here to operating profit margin. See Report at A-84.

⁴² See Report at pp. 13-15 and Table 6 at G-18 which show the rapid increase in rubber/fabric exports after the institution of the OMA.

U.S. manufacturing.⁴³ The opponents of the petition referred to this very favorable view of the profitability of the domestic athletic producers a number of times during the hearing and the petitioners never disputed it.⁴⁴ The data show that U.S. athletic producers are healthier than the industry as a whole. Relief should not be extended.

It is also no longer appropriate to continue controls on Korea's K1 exports, but for different reasons. Since the first quota year Korean exports to the U.S. of K1 footwear have been steadily plummeting. In the third quota year only about 32 percent of the quota was filled. From 1977-80 combined exports of leather work shoes and other nonathletic shoes fell regularly from 10.8 million pairs to 4.9 million pairs. During the same period shipments of men's, women's, and children's vinyl footwear fell to only 1 million pairs. These developments appear to relate to changed circumstances in the Korean industry.

The structure of Korea's footwear industry is very different from that of Taiwan. The industry is comprised of a small number of very large producers which are highly capitalized. These producers use conveyor machinery⁴⁵ which staff advises increases considerably the expense of product shifts. Counsel for the Korean footwear exporters testified that the competitive strength of their products has been affected disproportionately by oil price increases (56 percent in 1979 and 100 percent in 1980), by inflation (47 percent in 1980) and by wage increases (up 473 percent from 1978-80). Further testimony was presented indicating that expansion of the Korean industry is not planned and that money is not available to finance an expansion.⁴⁶ The performance of the Korean industry has deteriorated over the OMA period (notwithstanding the fact that the OMA did little to control Korean exports). Total production fell 7.1 percent from 1978 to 1980.

It is improbable that Korea will increase its K1 exports to the U.S. over the next few years as rapidly as it did before the OMA was initiated. Projections based on historical trends are particularly distorting for Korea, as

circumstances in the Korean industry have changed since the 1970's.

Moreover, U.S. imports of K1-type footwear from many other countries are at or above the level of recent Korean shipments. In sum, to take action against Korean K1 exports during an extension period would be discriminatory.

Since protection is no longer justified for K2 exports or necessary for K1 exports, I advise letting the OMA with Korea expire.

The surge mechanism

Parties to this investigation have disputed whether the President can, as a matter of law, extend the OMAs to additional countries during an extension period. This legal judgment does not come under the purview of the International Trade Commission. If the President concludes that he does have the authority to take action against surge countries during an extension period, I would advise him to exercise such authority in line with the criteria specified in paragraph 4b of the current proclamation (4510). Paragraph 4b provides residual authority for relief in the event that "the quantity of imports of footwear of the types covered" by the existing OMA, from countries not now controlled, "appear likely to *disrupt* the effectiveness" of the provisions of the orderly marketing agreement(s) (emphasis added). An import surge that meets this criteria is likely to be the focus of consultations under the equity clause⁴⁷ of the existing OMA(s). Import surges that may occur but do not result in consultations under the equity clause are less likely to be "of the types covered" or be of sufficient quantity to "disrupt" the OMA.

Although an OMA with Taiwan may technically cover all nonrubber footwear other than athletic, there are categories of nonrubber footwear which simply are not produced in Taiwan or are not competing with Taiwan's footwear production. A surge in such imports from a third country is not likely to "disrupt the effectiveness" of the provisions of an OMA with Taiwan and is also unlikely to result in consultations under the equity clause. If the President should, however, decide to consider taking relief action in these circumstances, I suggest that he (1) examine the product-scope of the surging imports to assess their potential to affect adversely the domestic industry; and (2) review the economic

condition of producers of the products most directly competitive with the surging imports to determine if, in keeping with the limited purposes for which relief is appropriate under the escape clause, this particular group of producers warrants relief. In short, a refined approach to the remedy question is appropriate during an extension period.

If the President has residual authority during an extension period, I strongly urge him to utilize it to deal with surges that would indeed nullify the relief I have recommended. Import surges can be expected in a fashion-oriented, labor-intensive industry like footwear and there is also the distinct possibility that such future surges will come from competitors of Taiwan. Footwear produced in Taiwan competes with footwear produced in many countries. Moreover, the growth potential of other footwear producers has been demonstrated. From 1977-80 U.S. imports from Hong Kong, the Philippines, Thailand, Singapore, the PRC and Hungary all increased by nearly 150 percent or more. During this period imports from Brazil also rose substantially. Imports from Italy are sizable, and the sharp increase in shipments of "Candies" in 1979 demonstrates the Italian industry's capability to create a surge. Given this vigorous competition, if the President has residual authority during an extension period, it is incumbent upon him to exercise this authority as appropriate to assure that the U.S. industry has the respite it requires.

Conclusion

Many commentators wrote off the domestic nonrubber footwear industry as a "loser" long ago. The escape clause process has provided another perspective on the adaptive capability of this industry in the face of shifting international competitive conditions. The nonrubber industry has shown itself to be more resilient than anticipated. The process of adjustment has had positive results thus far, and with some further limited protection these results should solidify.

Issued: April 22, 1981.

By Order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc. 81-12912 Filed 4-28-81; 8:45 am]

BILLING CODE 7020-01-M

⁴³ All statements, except the statement on capacity utilization, are based on data in the Report. The source for the capacity utilization statement is the AFIA data included in the Korean Footwear Exporters Association and the Korean Leather Products Exporters Association prehearing brief.

⁴⁴ See Hearing Transcript at pp. 467-48.

⁴⁵ *Ibid.*, p. 481.

⁴⁶ Hearing Transcript at p. 494.

⁴⁷ Report at B-9 paragraph 10 of the Orderly Marketing Agreement Between the United States of America and the Republic of China.

DEPARTMENT OF JUSTICE

Attorney General

Proposed Consent Decree in Action To Enjoin Discharge of Air Pollutants by United States Steel Corp. (Fairless Works)

In accordance with Departmental Policy, 28 CFR 50.7, 38 FR 19029, notice is hereby given that on or about April 2, 1981, a proposed consent decree in *United States v. United States Steel Corporation* (E.D. Pa., Civ. Nos. 79-3645 and 80-0743), was lodged with the United States District Court for the Eastern District of Pennsylvania. The proposed consent decree requires the Corporation to bring its Fairless Works in Bucks County, Pennsylvania, into compliance with requirements of the Clean Air Act.

The proposed consent decree may be examined at the office of the United States Attorney, 3310 U.S. Courthouse, Independence Mall West, 601 Market Street, Philadelphia, Pennsylvania 19106, and at the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, Room 1254, Ninth and Pennsylvania Avenue, N.W., Washington, D.C. 20530. A copy of the proposed decree may be obtained in person or by mail from the Environmental Enforcement Section, Land and Natural Resources Division of the Department of Justice, at a cost of \$8.10 per copy to cover reproduction expense. A check or money order for \$8.10 and made payable to the Treasurer of the United States must accompany any request for a copy of the proposed decree.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States v. United States Steel Corporation* (E.D. Pa.), D.J. Ref. 90-5-3-987.

Carol E. Dinkins,

Assistant Attorney General, Land and Natural Resources Division.

[FR Doc. 12753 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-01-M

Drug Enforcement Administration

Proposed Revised 1981 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration, Justice.

ACTION: Notice of Proposed Revised 1981 Aggregate Production Quotas.

SUMMARY: This notice proposes revised 1981 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act. Since the establishment of the 1981 aggregate production quotas on September 18, 1980 (45 FR 62228) and December 30, 1980 (45 FR 85843), DEA has reviewed data submitted by registered manufacturers concerning actual 1980 dispositions and year-end inventories and has determined that revisions of some of the previously established quotas are necessary.

DATE: Comments or objections should be received on or before May 29, 1981.

ADDRESS: Send comments or objections in quintuplicate to: Administrator, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, Attention: DEA Federal Register Representative.

FOR FURTHER INFORMATION CONTACT: Howard McClain, Jr., Chief, Regulatory Control Division, Drug Enforcement Administration, Telephone: (202) 633-1366.

SUPPLEMENTARY INFORMATION: Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) requires the Attorney General to establish aggregate production quotas for all controlled substances in Schedules I and II each year. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration pursuant to § 0.100 of Title 28 of the Code of Federal Regulations.

On September 18, 1980 and December 30, 1980, notices of the 1981 aggregate production quotas for these substances were published in the *Federal Register* (45 FR 62228, 45 FR 85843). Also indicated in these notices was that pursuant to Title 21 of the Code of Federal Regulations, § 1303.23(c), the Administrator of the Drug Enforcement Administration would in early 1981 adjust these quotas based upon a review of 1980 end-of-year inventory and 1980 disposition data as submitted by quota applicants, as well as other information which would be available to DEA at this time.

When determining the below listed proposed revised 1981 aggregate production quotas, the following factors influenced DEA's determination to propose either raising or lowering the previously finalized quotas for 1981:

a. Relative to amphetamine and desoxyephedrine (methamphetamine and levodesoxyephedrine), a reduction in their initially established quotas is proposed based on 1980 year-end

inventories greater than had been previously estimated as well as an expected decline in sales in 1981. A reduction in the quota for phenylacetone is also proposed as this substance is used to manufacture amphetamine, methamphetamine and levodesoxyephedrine.

b. Relative to methaqualone, a reduction from the previously established quota to 0 kg. is proposed. The sole bulk manufacturer of methaqualone has discontinued the manufacture of this substance. Also, the 1980 year-end inventory of this material is expected to exceed the need for this substance in 1981, which has been sharply declining in recent years.

c. Relative to codeine (for sale), dextropropoxyphene, dihydrocodeine, diphenoxylate, fentanyl, hydrocodone, hydromorphone and methadone, the proposed upward revisions reflect 1980 year-end inventories which were lower than had been estimated. For codeine (for sale) and diphenoxylate, the lower than expected inventories appear to be due to lower production in 1980 than was authorized. For methadone, changes in the pattern of distribution above the retail level require increased production in 1981 to satisfy inventory needs. For the other substances, actual sales exceeded that estimated for 1980. The proposed increased quotas for morphine (for conversion), codeine (for conversion), methadone intermediate and thebaine (for sale) reflect the increases proposed for the Schedule II substances derived from them.

Based upon the above considerations, as well as estimates of the medical needs of the United States submitted to the Drug Enforcement Administration by the Food and Drug Administration, the Administrator of the Drug Enforcement Administration, under the authority vested in the Attorney General by Section 306 of the Controlled Substances Act of 1970 (21 U.S.C. 826) and delegated to the Administrator by § 0.100 of Title 28 of the Code of Federal Regulations, does hereby propose the following changes in the aggregate production quotas for 1981 for the below listed controlled substances, expressed in grams of anhydrous acid or base:

Basic class	Previously established 1981 aggregate production quota	Proposed revised 1981 aggregate production quota
Schedule II:		
Amphetamine.....	1,253,000	862,000
Codeine (for sale).....	51,996,000	56,426,000
Codeine (for conversion).....	3,125,000	4,148,000
Desoxyephedrine.....	1,971,000	1,683,000
(methamphetamine).....	(200,000)	(148,000)
(levodesoxyephedrine).....	(1,771,000)	(1,535,000)

Basic class	Previously established 1981 aggregate production quota	Proposed revised 1981 aggregate production quota
Dextropropoxyphene	44,798,000	48,439,000
Dihydrocodone	1,145,000	1,585,000
Diphenoxylate	652,000	700,000
Fentanyl	3,000	4,000
Hydrocodone	858,000	1,022,000
Hydromorphone	106,500	116,000
Methadone	1,190,000	1,489,000
Methadone Intermediate	1,700,000	2,127,000
Methaqualone	5,871,000	0
Morphine (for conversion)	55,851,000	59,430,000
Phenylacetone	9,000,000	7,000,000
Thebaine (for sale)	2,303,000	2,319,000

All interested persons are invited to submit their comments and objections in writing regarding this proposal. A person may object to or comment on the proposal relating to any of the above mentioned substances without filing comments or objections regarding the others. If a person believes that one or more issues raised by him warrant a hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Administrator finds, in his sole discretion, warrant a hearing, the Administrator shall order a public hearing by a notice in the *Federal Register*, summarizing the issues to be heard and setting the time for the hearing.

Pursuant to Sections 3(c)(3) and 3(e)(2)(B) of Executive Order 12291, the Director of the Office of Management and Budget has been consulted with respect to these proceedings.

The Administrator hereby certifies that this matter will have no significant impact upon small entities within the meaning and intent of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* The establishment of annual aggregate production quotas for Schedule I and II controlled substances is mandated by law and by the international commitments of the United States. Such quotas impact predominantly upon major manufacturers of the affected controlled substances.

Dated: April 10, 1981.

Peter B. Bensinger,
Administrator, Drug Enforcement
Administration.

[FR Doc. 81-12832 Filed 4-28-81; 8:45 am]
BILLING CODE 4410-09-M

National Institute of Justice

Arson Adjudication in the United States; Solicitation

The National Institute of Justice announces a competitive research grant to study arson adjudication in the United States. The purpose is to improve

both the process and outcomes of arson adjudication procedures. The sources of data will consist mainly of case files and interviews with persons who have been involved in arson adjudication cases. The grant will be awarded for up to 21 months and not more than \$300,000 unless terminated earlier by reason of unsatisfactory performance.

The solicitation requests submission of full proposals and requires that submitting organizations have experience and capabilities in this kind of legal case study research.

To be considered for review and possible funding, all proposals must be postmarked not later than June 12, 1981.

Copies of the solicitation may be obtained by sending a mailing label to: Solicitation Request, Arson Adjudication, National Criminal Justice Reference Service, Box 6000, Rockville, Maryland 20850.

Dated: March 25, 1981.

Approved:

Harry M. Bratt,

Acting Director, NIJ.

[FR Doc. 81-12754 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-16-M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (81-41)]

NASA Advisory Council, Aeronautics Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Transport Aircraft.

DATE AND TIME: May 20, 1981, 8:30 a.m. to 4:30 p.m.; May 21, 1981, 9 a.m. to 5 p.m.

ADDRESS: NASA Headquarters, Federal Building 10B, Room 625, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Winblade, National Aeronautics and Space Administration, Code RJT-2, Washington, DC 20546 (202/755-3000).

SUPPLEMENTARY INFORMATION: The Informal Advisory Subcommittee on Transport Aircraft has been established to assist the NASA in assessing the current adequacy of transport aircraft technology and recommend actions to

reduce deficiencies through modification of the planned NASA research and technology program in transport advanced aerodynamics, active controls, materials, propulsion, avionics, and safety. The Subcommittee, chaired by Mr. Russell Hopps, is comprised of seven members. The meeting will be open to the public up to the seating capacity of the room (approximately 25 persons including the Subcommittee members and participants).

Type of meeting: Open.

Agenda

May 20, 1981

8:30 a.m.—Opening Remarks.

9 a.m.—Summary of NASA Budget Situation and Philosophy for Future Aeronautics Programs.

10 a.m.—FY 1983-92 NASA Aeronautics Long Range Plan.

1 p.m.—FY 1983-92 NASA Transport Aircraft Program Plan.

3:30 p.m.—Facilities Productivity Improvement.

4:30 p.m.—Adjourn.

May 21, 1981

9 a.m.—Review of Wood's Hole Workshop Conclusions.

10 a.m.—Subcommittee Assessment of Planned NASA Technology Demonstration and Validation Programs.

1 p.m.—Discussion of NASA Transport Program—Scope, Content, and Critical Issues.

3 p.m.—Subcommittee Recommendations on NASA Transport Program.

4:30 p.m.—Areas for Possible Future Discussion.

5 p.m.—Adjourn.

Gerald D. Griffin,

Acting Associate Administrator for External Relations.

April 23, 1981.

[FR Doc. 81-12781 Filed 4-28-81; 8:45 am]

BILLING CODE 7510-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee on Advanced Reactors; Meeting

The ACRS Subcommittee on Advanced Reactors will hold a meeting at 8:30 a.m. on May 14 and 15, 1981, Royal Court Inn, 1750 S. Elmhurst Road, Des Plaines, IL. The Subcommittee will discuss matters relating to the development of LMFBR safety design criteria. Notice of this meeting was published April 21.

In accordance with the procedures outlined in the *Federal Register* on October 7, 1980, (45 FR 66535), oral or written statements may be presented by members of the public, recordings will

be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Thursday and Friday, May 14 and 15, 1981

8:30 a.m. until the conclusion of business each day

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the DOE, their contractors, the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552(c)(4).

Dated: April 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12921 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Decay Heat Removal Systems; Meeting; Change of Time

The ACRS Subcommittee on Decay Heat Removal Systems will hold a meeting at 1:00 p.m. instead of 8:30 a.m. on May 5, 1981 in Room 1167 at 1717 H Street, N.W., Washington, DC.

All other items regarding this meeting remain the same as announced in the Federal Register published Monday, April 20, 1981 (FR 46 22703).

Further information may be obtained by a prepaid telephone call to the cognizant Designated Federal Employee for this meeting, Dr. Richard Savio (telephone 202/634-3267) between 8:15 a.m. and 5:00 p.m., EST.

Dated: April 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12922 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

Advisory Committee on Reactor Safeguards Subcommittee on Metal Components; Meeting

The ACRS Subcommittee on Metal Components will hold a meeting at 8:30 a.m. on May 19, 1981 in Room 1046, 1717 H Street, N.W., Washington, DC. The Subcommittee will discuss the failures of safety related bolts and bolt assemblies in operating plants as well as discussion of bolt design criteria for plants under construction or plants being designed. In addition, safety issue TASK A-12, Fracture Toughness of Supports will also be discussed. Notice of this meeting was published April 21.

In accordance with the procedures outlined in the Federal Register on October 7, 1980, (45 FR 86535), oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The entire meeting will be open to public attendance except for those sessions during which the Subcommittee finds it necessary to discuss proprietary information. One or more closed sessions may be necessary to discuss such information. (SUNSHINE ACT EXEMPTION 4). To the extent practicable, these closed sessions will

be held so as to minimize inconvenience to members of the public in attendance.

The agenda for subject meeting shall be as follows:

Tuesday, May 19, 1981

8:30 a.m. until the conclusion of business

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC Staff, their consultants, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the cognizant Designated Federal Employee, Mr. Elpidio Igne (telephone 202/634-1414) between 8:15 a.m. and 5:00 p.m., EST.

I have determined, in accordance with Subsection 10(d) of the Federal Advisory Committee Act, that it may be necessary to close some portions of this meeting to protect proprietary information. The authority for such closure is Exemption (4) to the Sunshine Act, 5 U.S.C. 552(b)(4).

Dated: April 24, 1981.

John C. Hoyle,

Advisory Committee Management Officer.

[FR Doc. 81-12923 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-313]

Arkansas Power & Light Co. (Arkansas Nuclear One, Unit No. 1); Order for Modification of License

I

The Arkansas Power & Light Company (the licensee) holds Facility Operating License No. DPR-51, which authorizes the licensee to operate the Arkansas Nuclear One, Unit No. 1 (the facility) at power levels not in excess of 2568 megawatts thermal rated power. The facility, which is located at the licensee's site in Pope County, Arkansas is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an

intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 24, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become

disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-51 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *It Is Hereby Ordered That Effective Immediately*, Facility Operating License No. DPR-51 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased

until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Nicholas S. Reynolds, Debevoise & Liberman, 1200 17th Street, Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

- (a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical

Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments:¹

1. Safety Evaluation Report,
2. Technical Evaluation Report,
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

(FR Doc. 81-12025 Filed 4-28-81; 8:45 am)

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270 and 50-287]

Duke Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendments Nos. 97, 97 and 94 to Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, issued to Duke Power Company, which revised the licenses for operation of the Oconee Nuclear Station, Units Nos. 1, 2 and 3 (the facilities) located in Oconee County, South Carolina. The amendments are effective as of the date of issuance, and are to be implemented in accordance with the provisions of 10 CFR 73.40(b) and 10 CFR 73.55(b)(4).

These amendments add license conditions to include the Commission-approved Safeguards Contingency Plan and Guard Training and Qualification Plan as a part of each license.

The licensee's filings, which have been handled by the Commission as an application, comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of the amendments was not required

since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

The licensee's filings dated March 23, 1979, August 3, 1979, August 17, 1979, May 30, 1980 and June 9, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendments Nos. 97, 97 and 94 to Licenses Nos. DPR-38, DPR-47 and DPR-55, respectively, and (2) the Commission's related letter to the licensee dated April 20, 1981. Items (1) and (2) are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW, Washington, D.C. and at the Oconee County Library, 501 West Southbroad Street, Walhalla, South Carolina. A copy of the amendments and the Commission's related letter may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

Chief, Operating Reactors Branch No. 4, Division of Licensing.

(FR Doc. 81-12026 Filed 4-28-81; 8:45 am)

BILLING CODE 7590-01-M

[Dockets Nos. 50-269, 50-270, and 50-287]

Duke Power Co. (Oconee Nuclear Station, Units Nos. 1, 2, and 3); Order for Modification of Licenses

I

The Duke Power Company (the licensee) holds Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55, which authorize the licensee to operate the Oconee Nuclear Station, Units Nos. 1, 2 and 3 (the facilities) at power levels not in excess of 2568 megawatts thermal rated power for each unit. The facilities, which are located at the licensee's site in Oconee County, South Carolina, are pressurized water reactors (PWRs) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);
2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and
3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 13, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facilities, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at your facilities. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants

¹ Attachments are available in the NRC Public Document Rooms.

have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Facility Operating Licenses Nos. DPR-38, DPR-47 and DPR-55 are modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate

criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to William S. Porter, Duke Power Company, P.O. Box 2178, 422 South Church Street, Charlotte, North Carolina 28242, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the

Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facilities on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments: ¹

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12927 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al.; Issuance of Amendment to Facility Operation License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 39 to Facility Operating License No. DPR-72, issued to the Florida Power Corporation, City of Alachua, City of Bushnell, City of Gainesville, City of Kissimmee, City of Leesburg, City of New Smyrna Beach and Utilities Commission, City of New Smyrna Beach, City of Ocala, Orlando Utilities Commission and City of Orlando, Sebring Utilities Commission, Seminole Electric Cooperative, Inc., and the City of Tallahassee (the licensees) which revised the Technical Specifications for operation of the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) located in Citrus County, Florida. The amendment is effective as of the date of issuance.

This amendment modifies the Technical Specifications to authorize entry into Modes 1, 2, 3 and 4 with one Main Stream Isolation Valve (MSIV)

¹ Attachments are available in the NRC Public Document Rooms.

closed. Partial authorization which permitted entry into Mode 3 with one MSIV closed was granted by telephone April 16, 1981, and was confirmed by letter dated April 16, 1981.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 15, 1981, (2) the Commission's letter to Florida Power Corporation dated April 16, 1981, (3) Amendment No. 39 to License No. DPR-72, and (4) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Crystal River Public Library, Crystal River, Florida. A copy of items (2), (3) and (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland this 17th day of April 1981.

For the Nuclear Regulatory Commission,
John F. Stolz,

Chief, Operating Reactors Branch No. 4,
Division of Licensing.

[FR Doc. 81-12938 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-302]

Florida Power Corp., et al., (Crystal River Unit No. 3 Nuclear Generating Plant); Order for Modification of License

I

The Florida Power Corporation (the licensee) and eleven other co-owners hold Facility Operating License No. DPR-72, which authorizes the licensee to operate the Crystal River Unit No. 3 Nuclear Generating Plant (the facility) at

power levels not in excess of 2452 megawatts thermal rated power. The facility, which is located at the licensee's site in Citrus County, Florida is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);
2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and
3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2)

provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-72 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR-72 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic

surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to S. A. Brandimore, Vice President and General Counsel, P.O. Box 14042, St. Petersburg, Florida 33733, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the

manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981
Bethesda, Maryland.

Attachments: ¹

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12929 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Dockets Nos. 50-321 and 50-366]

Georgia Power Co., et al.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 83 to Facility Operating License No. DPR-57, and Amendment No. 24 to Facility Operating License No. NPF-5, issued to Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, City of Dalton, Georgia, which revised the licenses for operation of the Edwin I. Hatch Nuclear Plant, Units Nos. 1 and 2, located in Appling County, Georgia. The amendments are effective as of the date of issuance and are to be fully implemented within 60 days of Commission approval in accordance

¹ Attachments are available in the NRC Public Document Rooms.

with the provisions of 10 CFR 73.55(b)(4).

The amendments add license conditions to include the Commission-approved Guard Training and Qualification Plan as part of the licenses.

The licensee's filing, which has been handled by the Commission as an application, complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendments. Prior public notice of these amendments was not required since the amendments do not involve a significant hazards consideration.

The Commission has determined that the issuance of these amendments will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of these amendments.

The licensee's filing dated May 28, 1980, and its revision submitted by letter dated July 14, 1980, are being withheld from public disclosure pursuant to 10 CFR 2.790(d). The withheld information is subject to disclosure in accordance with the provisions of 10 CFR 9.12.

For further details with respect to this action, see (1) Amendment No. 83 to License No. DPR-57, and Amendment No. 24 to License No. NPF-5, and (2) the Commission's related letter to the licensee dated April 20, 1981. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20555, and at the Appling County Public Library, Parker Street, Baxley, Georgia. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Licensing.

Dated at Bethesda, Maryland, this 20th day of April 1981.

For the Nuclear Regulatory Commission.

John F. Stolz,

*Chief, Operating Reactors Branch No. 4,
Division of Licensing.*

[FR Doc. 81-12930 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

Metropolitan Edison Co., et al. (Three Mile Island Nuclear Station, Unit No. 1); Order for Modification of License**I**

The Metropolitan Edison Company (the licensee) and two other co-owners hold Facility Operating License No. DPR-50, which authorizes the licensee to operate the Three Mile Island Nuclear Station, Unit No. 1 (the facility) at power levels not in excess of 2535 megawatts thermal rated power. The facility, which is located at the licensee's site in Dauphin County, Pennsylvania is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 31, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exists at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leaked tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals has become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-50 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Facility Operating License No. DPR-50 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on

or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to G. F. Trowbridge, Shaw, Pittman, Potts and Trowbridge, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments:¹

1. Safety Evaluation Report,
2. Technical Evaluation Report,
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director Division of Licensing.

[FR Doc. 81-12931 Filed 4-29-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-285]

Omaha Public Power District (Fort Calhoun Station, Unit No. 1); Order for Modification of License

I

The Omaha Public Power District (the licensee) holds Facility Operating License No. DPR-40, which authorizes

the licensee to operate the Fort Calhoun Station, Unit No. 1 (the facility) at power levels not in excess of 1500 megawatts (thermal) rated power. The facility, which is located at the licensee's site in Washington County, Nebraska is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 28, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for your facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern

exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this Modification of Facility Operating License No. DPR-40 be immediately effective.

III

Accordingly, pursuant to Section 161i of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Facility Operating License No. DPR-40 is modified by the addition of the following requirements:

¹ Attachments are available in the NRC Public Document Rooms.

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of this Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Marilyn A. Tebor, Esq., LeBoeuf, Lamb, Leiby & MacRae, 1333 New Hampshire Avenue, NW., Washington, D.C. 20036 attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance

with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this Order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: This 20th day of April, 1981.
Bethesda, Maryland.

Attachments:¹
1. Safety Evaluation Report
2. Technical Evaluation Report
3. Technical Specifications

For the Nuclear Regulatory Commission.
Darrell G. Eisenhut,
Director, Division of Licensing.

[FR Doc. 81-12932 Filed 4-28-81; 8:45 am]
BILLING CODE 7590-01-M

[Docket No. 50-272]

Public Service Electric and Gas Company (Salem Nuclear Generating Station, Unit No. 1); Order for Modification of License

I

The Public Service Electric and Gas Company (the licensee) holds Facility Operating License No. DPR-70, which authorizes the licensee to operate the Salem Nuclear Generating Station, Unit No. 1 at power levels not in excess of 3338 megawatts thermal rated power. The license was originally issued on August 13, 1976 and will expire on September 25, 2008. The facility, which is located at the licensee's site in Salem County, New Jersey, is a pressurized water reactor (PWR) used for the commercial generation of electricity.

¹ Attachments are available in the NRC Public Document Rooms.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 14, 1980, the licensee responded to our February letter. Based upon the NRC review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants

have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-70 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, it is hereby ordered that effective immediately, Facility Operating License No. DPR-70 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical

Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening).

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order by May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Mark J. Wetterhahn, Esquire, Conner, Moore and Cober, Suite 1050, 1747 Pennsylvania Avenue, NW., Washington, DC, 20006, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any Request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order

designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981;
Bethesda, Maryland.

Attachments:

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12665 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-312]

The Sacramento Municipal Utility District (Rancho Seco Nuclear Generating Station); Order for Modification of License

I

The Sacramento Municipal Utility District (the licensee) holds Facility Operating License No. DPR-54, which authorizes the licensee to operate the Rancho Seco Nuclear Generating Station (the facility) at power levels not in excess of 2772 megawatts thermal rated power. The facility, which is located at the licensee's site in Sacramento County, California is a pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an inter-system loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary

¹ Attachments are available in the NRC Public Document Rooms.

Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);

2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and

3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 12, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facility, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed

because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time, verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensee as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an inter-system LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. DPR-54 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *It is hereby ordered that effective immediately*, Facility Operating License No. DPR-54 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to

assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening.)

3. The MOV shall not be closed as indicated in paragraph 2 above unless a supporting safety evaluation has been prepared. If the MOV is in an emergency core cooling system (ECCS), the safety evaluation shall include a determination as to whether the requirements of 10 CFR 50.46 and Appendix K to 10 CFR Part 50 will continue to be satisfied with the MOV closed. If the MOV is not in an ECCS, the safety evaluation shall include a determination as to whether operation with the MOV closed presents an unreviewed safety question as defined in 10 CFR 50.59(a)(2). If the requirements of 10 CFR 50.46 and Appendix K have not been satisfied, or if an unreviewed safety question exists as defined in 10 CFR 50.59, then the facility shall be shut down within 30 days of the date of this Order and remain shutdown until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

IV

The licensee or any other person who has an interest affected by this Order may request a hearing on this Order within on or before May 26, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to David S. Kaplan, Secretary and General Counsel, 6201 S Street, P.O. Box 15830, Sacramento, California 95814, attorney for the licensee. If a hearing is requested by a person other than the licensee, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensee or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensee should be required to individually leak test check valves in accordance with the Technical

Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments:¹

1. Safety Evaluation Report,
2. Technical Evaluation Report,
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12933 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

The Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station, Unit No. 1); Order for Modification of License

I

The Toledo Edison Co. and the Cleveland Electric Illuminating Company (the licensees) hold Facility Operating License No. NPF-3, which authorizes the licensees to operate the Davis-Besse Nuclear Power Station, Unit No. 1 (the facility) at power levels not in excess of 2772 (megawatts thermal) rated power. The facility, which is located at the licensees' site in Ottawa County, Ohio, is pressurized water reactor (PWR) used for the commercial generation of electricity.

II

The Reactor Safety Study (RSS), WASH-1400, identified in a PWR an intersystem loss of coolant accident (LOCA) which is a significant contributor to risk of core melt accidents (Event V). The design examined in the RSS contained in-series check valves isolating the high pressure Primary Coolant System (PCS) from the Low Pressure Injection System (LPIS) piping. The scenario which leads to the Event V accident is initiated by the failure of these check valves to function as a pressure isolation barrier. This causes

an overpressurization and rupture of the LPIS low pressure piping which results in a LOCA that bypasses containment.

In order to better define the Event V concern, all light water reactor licensees were requested by letter dated February 23, 1980, to provide the following in accordance with 10 CFR 50.54(f):

1. Describe the valve configurations and indicate if an Event V isolation valve configuration exists within the Class I boundary of the high pressure piping connecting PCS piping to low pressure system piping; e.g., (1) two check valves in series, or (2) two check valves in series with a motor operated valve (MOV);
2. If either of the above Event V configurations exist, indicate whether continuous surveillance or periodic tests are being performed on such valves to ensure integrity. Also indicate whether valves have been known, or found, to lack integrity; and
3. If either of the above Event V configurations exist, indicate whether plant procedures should be revised or if plant modifications should be made to increase reliability.

In addition to the above, licensees were asked to perform individual check valve leak testing prior to plant startup after the next scheduled outage.

By letter dated March 21, 1980, the licensee responded to our February letter. Based upon the review of this response as well as the review of previously docketed information for the facilities, I have concluded in consonance with the attached Safety Evaluation (Attachment 1) that one or more valve configuration(s) of concern exist at the facility. The attached Technical Evaluation Report (TER) (Attachment 2) provides, in Section 4.0, a tabulation of the subject valves.

The staff's concern has been exacerbated due not only to the large number of plants which have an Event V configuration(s) but also because of recent unsatisfactory operating experience. Specifically, two plants have leak tested check valves with unsatisfactory results. At Davis-Besse, a pressure isolation check valve in the LPIS failed and the ensuing investigation found that valve internals had become disassembled. At the Sequoyah Nuclear Plant, two Residual Heat Removal (RHR) injection check valves and one RHR recirculation check valve failed because valves jammed open against valve over-travel limiters.

It is, therefore, apparent that when pressure isolation is provided by two in-series check valves and when failure of one valve in the pair can go undetected for a substantial length of time,

verification of valve integrity is required. Since these valves are important to safety, they should be tested periodically to ensure low probability of gross failure. As a result, I have determined that periodic examination of check valves must be undertaken by the licensees as provided in Section III below to verify that each valve is seated properly and functioning as a pressure isolation device. Such testing will reduce the overall risk of an intersystem LOCA. The testing mandated by this Order may be accomplished by direct volumetric leakage measurement or by other equivalent means capable of demonstrating that leakage limits are not exceeded in accordance with Section 2.2 of the attached TER.

In view of the operating experiences described above and the potential consequences of check valve failure, I have determined that prompt action is necessary to increase the level of assurance that multiple pressure isolation barriers are in place and will remain intact. Therefore, the public health, safety and interest require that this modification of Facility Operating License No. NPF-3 be immediately effective.

III

Accordingly, pursuant to Section 1611 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Parts 2 and 50, *it is hereby ordered that effective immediately*, Facility Operating License No. DPR-63 is modified by the addition of the following requirements:

1. Implement Technical Specifications (Attachment 3) which require periodic surveillance over the life of the plant and which specify limiting conditions for operation for PCS pressure isolation valves.

2. If check valves have not been (a) individually tested within 12 months preceding the date of the Order, and (b) found to comply with the leakage rate criteria set forth in the Technical Specifications described in Attachment 3, the MOV in each line shall be closed within 30 days of the effective date of this Order and quarterly Inservice Inspection (ISI) MOV cycling ceased until the check valve tests have been satisfactorily accomplished. (Prior to closing the MOV, procedures shall be implemented and operators trained to assure that the MOV remains closed. Once closed, the MOV shall be tagged closed to further preclude inadvertent valve opening.)

3. The MOV shall not be closed as indicated in paragraph 2 above unless a

¹ Attachments are available in the NRC Public Document Rooms.

supporting safety evaluation has been prepared to determine whether closing the MOV results in an unreviewed safety question during plant operation. If the safety evaluation results in a determination that no unreviewed safety question exists as defined in 10 CFR 50.59(a)(2), the MOV shall be closed as indicated in paragraph 2 above. If the safety evaluation results in a finding that closing the MOV does present an unreviewed safety question pursuant to 10 CFR 50.59(a)(2), the facility shall be shut down within 30 days of the date of this Order and remain shut down until check valves are satisfactorily tested in accordance with the Technical Specifications set forth in Attachment 3.

4. The records of the check valve tests required by this Order shall be made available for inspection by the NRC's Office of Inspection and Enforcement.

The licensees or any other person who has an interest affected by this Order may request a hearing on this Order on or before May 28, 1981. A request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555. A copy of the request shall also be sent to the Executive Legal Director at the same address, and to Gerald Charnoff, Esquire, Shaw, Pittman, Potts and Trowbridge, 1800 M Street, NW., Washington, D.C. 20036, attorney for the licensees. If a hearing is requested by a person other than the licensees, that person shall describe, in accordance with 10 CFR 2.714(a)(2), the manner in which his or her interest is affected by this Order. Any request for a hearing shall not stay the immediate effectiveness of this order.

If a hearing is requested by the licensees or other person who has an interest affected by this Order, the Commission will issue an order designating the time and place of any such hearing. If a hearing is held, the issues to be considered at such a hearing shall be:

(a) Whether the licensees should be required to individually leak test check valves in accordance with the Technical Specifications set forth in Attachment 3 to this Order.

(b) Whether the actions required by Paragraphs 2 and 3 of Section III of this Order must be taken if check valves have not been tested within 12 months preceding the date of this Order.

Operation of the facility on terms consistent with this Order is not stayed by the pendency of any proceedings on this Order. In the event that a need for further action becomes apparent, either in the course of proceedings on this Order or any other time, the Director will take appropriate action.

Effective Date: April 20, 1981, Bethesda, Maryland.

Attachments:¹

1. Safety Evaluation Report.
2. Technical Evaluation Report.
3. Technical Specifications.

For the Nuclear Regulatory Commission.

Darrell G. Eisenhut,

Director, Division of Licensing.

[FR Doc. 81-12034 Filed 4-28-81; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Determination Regarding the Application of Certain International Agreements

This notice modifies the determination published in the Federal Register of January 4, 1980 (45 FR 1181), as amended.

Paragraph 3 of Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements, signed December 14, 1979 (44 FR 74784), delegates the functions of the President under section 2(b) of the Trade Agreements Act of 1979 ("the Act") and 701(b) of the Tariff Act of 1930, as amended by section 101 of the Act, to the United States Trade Representative (so designated by section 1-105 of Executive Order 12188) who shall exercise such authority with the advice of the Trade Policy Committee.

Now therefore, I, William E. Brock, United States Trade Representative, in conformity with the provisions of Section 2 of the Act (19 U.S.C. 2503), section 701 of the Tariff Act of 1930 as amended effective January 1, 1980 (19 U.S.C. 1671), and paragraph 3 of the Presidential Determination Regarding the Acceptance and Application of Certain International Trade Agreements (44 FR 74781), do hereby determine, effective except as otherwise noted on the date of signature of this Notice, that:

1. Greece has become a member state of the European Community effective from January 1, 1981. For the purpose of determinations made under the Act concerning agreements which the United States applies to the European Community, Greece, unless otherwise indicated, shall be entitled to receive the benefits accruing to the Community and its member states: Belgium, Denmark, the Federal Republic of Germany, France, Greece, Ireland, Italy, Luxembourg, the Netherlands and the United Kingdom.

¹ Attachments are available in the NRC Public Document Rooms.

2. With respect to the Agreement on Interpretation and Application of Article VI, XVI, and XXIII of the General Agreement on Tariffs and Trade (the "Subsidies Code") Chile has accepted the obligations of the agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement.

In accordance with section 701(b)(1) of the Tariff Act of 1930, as amended effective January 1, 1980 (19 U.S.C. 1671), Chile will be considered a "country under the Agreement."

3. With respect to the Agreement on Technical Barriers to Trade, the following countries have accepted the Agreement with respect to the United States and should not otherwise be denied the benefits of the Agreement: Chile; the Philippines, and Tunisia.

4. With respect to the Agreement on Import Licensing Procedures, Chile has accepted the Agreement and should not otherwise be denied the benefits of the Agreement.

5. With respect to the Arrangement Regarding Bovine Meat, Tunisia has accepted the Agreement and should not otherwise be denied the benefits of the Agreement.

William E. Brock,

United States Trade Representative.

[FR Doc. 81-13047 Filed 4-28-81; 8:45 am]

BILLING CODE 3190-01-M

Import Relief for Nonrubber Footwear; Solicitation of Public Views on Extension, Reduction, or Termination

On June 22, 1977 the President issued Proclamation 4510 implementing import relief in the form of Orderly Marketing Agreements on nonrubber footwear. The OMA's were entered into by the Governments of the United States and Taiwan on June 14, 1977, and the Governments of the United States and the Republic of Korea on June 21, 1977. Under the OMA's, which became effective on June 28, 1977, Taiwan and Korea agreed to limit their exports to the United States of nonrubber footwear provided for in TSUS items 700.05 through 700.85, inclusive (except items 700.51, 700.52, 700.53, 700.54, 700.60, 700.75 and disposable footwear designed for one-time use provided for in item 700.85). That action was taken pursuant to Section 203(a) of the Trade Act of 1974 in response to a finding by the USITC that the domestic industry producing like or directly competitive products was suffering from serious injury or the threat thereof substantially caused by increased imports of such products.

The import relief will expire on June 30, 1981 unless extended by the president. Pursuant to Section 203(h)(3) and (4) of the Trade Act, the President may extend, reduce, or terminate the import relief after receiving advice from the USITC and taking into account the considerations in 202(c) of the Trade Act.

On April 22, 1979 the USITC reported to the President its advice under 203 (1)(2) and (1)(5) of the Trade Act as to the probable economic effects of such expiration, which was summarized as follows: "The Commission unanimously advises, on the basis of information obtained in the investigation, that termination of the import relief presently in effect with respect to imports of nonrubber footwear from Taiwan would have a significant adverse economic effect on the domestic nonrubber footwear industry and therefore advises that such relief should be extended for 2 years at the 1980-81 quota year level¹ on all categories of footwear covered by the present relief except athletic footwear. The Commission further advises that, if import relief with respect to Taiwan is extended, the certificate of origin program concerning imports of footwear from Hong Kong should likewise be extended, since the program is an adjunct to the relief with respect to Taiwan." (See USITC Report Number TA-203-7 of April 22, 1981 for further details).

The Office of the United States Trade Representative chairs the interagency Trade Policy Committee structure that makes recommendations to the President as to what action, if any, he should take with respect to any action on an extension, reduction or termination of relief. In order to assist the Trade Policy Staff Committee in developing recommendations to the President, interested persons are invited to submit written briefs to the Trade Policy Staff Committee on the probable effects of any extension, reduction or termination of present import restrictions now in effect with respect to nonrubber footwear, specifically with respect to the following factors:

(1) The probable effectiveness of the extension, reduction, or termination of import relief as a means to promote adjustment, the efforts being made or to be implemented by the industry concerned to adjust to import competition, and other considerations relevant to the position of the industry in the nation's economy;

(2) The effect of the extension, reduction or termination of import relief

on consumers and on competition in the domestic markets for such articles;

(3) The effect of the extension, reduction or termination of import relief on the international economic interest of the United States;

(4) The impact on United States industries and firms as a consequence of any possible modification of duties or other import restrictions which may result from international obligations with respect to compensation;

(5) The geographic concentration of imported products marketed in the United States;

(6) The extent to which the United States market is a focal point for exports of such article by reason of restraints on exports of such article to, or on imports of such article into, third country markets; and

(7) The economic and social costs which would be incurred by taxpayers, communities and workers if import relief were or were not extended, terminated or reduced;

In addition, views on the President's legal authority to control imports from presently uncontrolled sources, or to impose, relief unilaterally, that is, without an extension of one or both of the OMA's will be considered.

Briefs should be submitted in twenty (20) copies to the Secretary, Trade Policy Staff Committee, Room 413, 600 17th Street, N.W., the Winder Building, Washington, D.C. 20506.

To be considered by the Trade Policy Staff Committee, submissions should be received by the Secretary no later than the close of business Thursday, May 14, 1981.

For further information, contact Tom St. Maxens, Room 411 (202-395-7210). Legal questions should be directed to Mike Hathaway, Room 219 (202-395-3432).

Ann H. Hughes,
Chairman, Trade Policy Staff Committee.

[FR Doc. 81-12954 Filed 4-29-81; 8:45 am]

BILLING CODE 3190-01-M

POSTAL RATE COMMISSION

[Docket No. MC81-3]

Mail Classification Schedule, 1981; ZIP + 4 First-Class Subclasses for Letters and Cards; Notice of United States Postal Service's Filing of a Request for a Recommended Decision

April 24, 1981.

Notice is hereby given that on April 21, 1981, the United States Postal Service ("Postal Service"), pursuant to

Chapter 36 of Title 39, United States Code, filed a request with the Postal Rate Commission for a recommended decision on establishing two new subclasses of first class, ZIP+4 letters and ZIP+4 cards. This filing has been assigned Docket No. MC81-3.¹

The Postal Service states that its request contains such information and data which explain the nature, scope, significance and impact of the proposed ZIP+4 first-class subclasses.² The Postal Service proposes that nonpresorted and 5-digit presorted first-class mail which meets its eligibility and preparation requirements be given a discount of 1/2 cent per piece if it bears a proper ZIP+4 code. The requirements are that (1) the mailing contains at least 500 pieces, (2) the pieces are machinable, (3) the addresses are readable by the Postal Service's processing equipment, and (4) postage is paid in a manner not requiring cancellation. The Postal Service's filing states further that mailings must be tendered at limited acceptance points, generally post offices, and must be in trays or other approved containers. The Postal Service says it is proposing these subclasses to pass on to mailers the additional benefits resulting from use of the ZIP+4 in conjunction with the Postal Service's planned automation of its mail processing system.

Hearings will be held on the proposal submitted by the Postal Service in Docket No. MC81-3. Any person desiring to be heard with reference thereto and to become a party to the proceeding, or to participate as a party in any hearing thereon, should file a petition for leave to intervene. Petitions for leave to intervene must be filed with the Secretary, Postal Rate Commission, Washington, D.C. 20268 on or before May 15, 1981, and must be in accordance with § 3001.20 of the Commission's rules of practice (39 CFR 3001.20). We direct specific attention to § 3001.20(b) which provides that petitions for leave to intervene shall affirmatively state whether or not the petitioner requests a hearing or, in lieu thereof, a conference; and further, whether or not the petitioner intends to participate actively in the hearing.³ Alternatively, persons

¹ While this case has both rate and classification elements, we have followed the Postal Service's designation and the case has been docketed using the classification nomenclature of "MC." However, no particular significance should be attached to that nomenclature.

² The Specific additions to the Domestic Mail Classification Schedule are set out in legislative format in Attachment A of the Postal Service's Request.

³ In this regard, parties who intend to participate actively in this proceeding are encouraged to inform

Continued

¹ Commissioner differs with respect to the conditions under which relief should be extended.

seeking limited participation, but who do not wish to become parties may, on or before May 15, 1981, file a written request for leave to be heard as a "limited participant," pursuant to § 3001.19a of the Commission's rules of practice (39 CFR 3001.19a). In addition, persons wishing to express their views informally, and not desiring to become a party or limited participant, may file comments pursuant to § 3001.19b of the Commission's rules (39 CFR 3001.19b).

At the same time as it filed its Proposal, the Postal Service, pursuant to Commission rules 22 and 64(h)(3), filed a motion for waiver of "the requirements of sections 54(f), 54(h) and 64(d) concerning cost analysis, of section 54(i) concerning billing determinants, and of 64(g) concerning workpaper documentation."

The Postal Service requests waiver of 64(h)(2) and 64(d) insofar as they require projection and allocation of costs through fiscal year 1982, the test year. The Postal Service gives as its rationale that the cost consequences could be realized only partially in the test year. The Postal Service supports its request for waiver of full compliance with 54(f), 54(h) and 64(d) by saying that the test year used in R80-1, which was subjected to intensive and extensive cost analysis, includes half of the MC81-3 test year, and a further half-year projection would not provide information pertinent to the patterns of projected cost avoidance. The Postal Service says 54(l) should be waived because the financial impact of the proposed discount can be assessed by the rate differential and the projected volume of the subclasses. The Postal Service requests that the workpaper documentation requirement of rule 64(g) be waived because the workpapers contain test data that should not be made public until the Postal Service finishes its contracting procedure. The Postal Service promises to file the performance standard data for the equipment it purchases after the contracting procedure is complete.

Parties who wish to address the Postal Service's motion should file their answers by June 1, 1981.

The request of the Postal Service for a recommended decision on establishing subclasses for ZIP+4 first class and the motion for waiver of certain filing provisions of the Commission's rules of practice and procedure are on file with the Commission and are available for public inspection during regular business hours.

The Postal Service informally and promptly of desired preliminary clarifications of the Postal Service's presentation wherever the participant believes such clarification will expedite this proceeding.

By order of the Commission.

David F. Harris,
Secretary.

[FR Doc. 81-12845 Filed 4-28-81; 8:45 am]
BILLING CODE 7715-01-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 11745/812-4818]

Magellan Fund, Inc., et al.; Filing of Application

April 23, 1981.

In the Matter of Magellan Fund, Inc., Salem Fund, Inc., Fidelity Management & Research Company, Salem Investment Plans, Edward C. Johnson, 3d, and Caleb Loring, Jr., 82 Devonshire Street, Boston, Massachusetts 02109.

Notice is hereby given that Magellan Fund, Inc. ("Magellan") and Salem Fund, Inc., ("Salem") (collectively, the "Funds"), Fidelity Management & Research Company ("FMR"), Salem Investment Plans ("Salem Plans"), Edward C. Johnson 3d and Caleb Loring, Jr. (collectively, "Applicants") filed an application on February 2, 1981, and an amendment thereto on April 13, 1981, for an order of the Commission pursuant to Section 17(b) of the Investment Company Act of 1940 (the "Act") exempting from the provisions of Section 17(a) of the Act the proposed merger, and certain affiliated transactions incidental thereto, of Salem into Magellan through the exchange of shares of Magellan, at net asset value, for the assets of Salem, and for an order permitting certain affiliated persons of the Funds to participate in transactions incidental to the proposed merger pursuant to Section 17(d) of the Act and Rule 17d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Both Magellan and Salem are Massachusetts corporations registered under the Act as open-end, diversified, management investment companies. Magellan was organized on December 31, 1962, and, as of February 28, 1981, had net assets of \$53,844,788. Salem was organized on August 5, 1964, and, as of February 28, 1981, had net assets of \$49,552,386. The Funds' Boards of Directors are identical and their officers are substantially identical. FMR is the Funds' investment adviser and Messrs. Johnson and Loring are Officers and Directors of Salem, and each owns more than 5% of Magellan's outstanding shares.

Magellan's investment objective is to seek possible growth of capital through investments in securities of domestic corporations which operate primarily or entirely in this country, domestic corporations which have significant activities and interests outside the United States, and foreign companies. Salem's investment objective is to seek growth of capital generally through investments in common stock and securities convertible into common stock. While neither Fund places any restriction on the type of security which may be purchased, both Magellan and Salem have historically invested primarily in common stocks or securities convertible into common stocks. In the case of both Funds, any income return is considered incidental to their capital growth objective. Magellan's investment objective and policies may result in substantially greater portfolio turnover rates than for Salem or other investment companies.

As of January 31, 1981, FMR and its affiliated companies owned 202,927 shares (10.21%) of Magellan and 27,698 shares (.43%) of Salem. In addition, retirement plans for the benefit of employees of FMR and its affiliated companies owned 49,600 shares (2.5%) of Magellan and 168,749 shares (2.6%) of Salem. As of the same date, Edward C. Johnson 3d beneficially owned 369,156 shares (18.58%) of Magellan and 28,977 shares (.45%) of Salem. As of January 31, 1981, Caleb Loring, Jr., beneficially owned 160,346 shares (8.07%) of Magellan and 170,028 shares (2.66%) of Salem. As of the same date, the officers and directors of Magellan and Salem as a group, including Messrs. Johnson and Loring, owned 410,500 shares (20.65%) of Magellan and 199,767 shares (3.13%) of Salem (eliminating duplicated shares).

Salem Plans is registered under the Act as a unit investment trust providing for the accumulation of shares of Salem. Its sponsor is Fidelity Distributors Corporation, an affiliate of FMR. Prior to March 1975, Salem Plans offered front-end load and single payment contractual plans. While no new Salem contractual plans have been offered since that time, current planholders may make investments under their plans with the invested cash being utilized by the Salem Plan's Custodian to purchase shares of Salem. On the effective date of the proposed merger ("Effective Date"), the shares of Salem held by Salem plans will be converted into shares of Magellan in the manner described below. As of January 31, 1981, Salem Plans held 558,773 (8.75%) of the shares of Salem. The separate existence of Salem Plans will continue after the

Effective Date, with shares of Magellan constituting the security held under the individual plans and with subsequent cash investments being utilized by the Custodian to purchase shares of Magellan.

The Funds propose to enter into an Agreement of Merger and Plan of Reorganization ("proposed merger"), by the terms of which Salem will be merged into Magellan. Magellan will be the surviving corporation and the separate existence of Salem will cease. On the Effective Date of the merger the outstanding shares of capital stock of Salem held by each shareholder of record shall be converted into that number of full and fractional shares of Magellan as shall have an aggregate net assets value equal to such shareholder's interest in the value of the net assets of Salem, all valued as of the close of business on the New York Stock Exchange on the Effective Date. If the Effective Date had been February 28, 1981, each share of Salem's common stock would have been exchanged for approximately .287 shares of Magellan's common stock, and Magellan would have issued a total of 1,822,985 shares in the merger transaction. The proposed merger is contingent on the Funds obtaining the necessary approvals of their shareholders, a satisfactory tax ruling from either the IRS or opinion of counsel, certain necessary approvals by governmental authorities, and the Magellan shareholders approving a new Advisory and Services Contract with FMR.

In the opinion of the officers of the Funds the combination of the securities portfolios of Salem and Magellan as a result of the proposed merger will not require the sale of any material amount of acquired portfolio securities. However, such sales may be made in the ordinary course of portfolio management of Magellan as the Surviving Fund. Each of the Funds will bear its own expenses incurred in the merger transaction. The estimated expenses of Salem are \$62,000; and the estimated expenses of Magellan are \$65,000.

On or before the Effective Date, Salem will distribute to its shareholders a dividend taxable to its shareholders consisting of substantially all of its then undistributed net taxable investment income and any net taxable capital gains in excess of its capital loss carryovers. Such dividend will be paid in additional shares of Salem or, at the election of each shareholder, in cash.

As of February 28, 1981, Salem had net unrealized appreciation of investments of \$1,187,375, realized gains of approximately \$4,346,000 and capital

loss carryovers of approximately \$5,899,000. On the same date Magellan had net unrealized appreciation of \$4,196,987 and no capital loss carryovers. With respect to any net taxable capital gains realized by Salem prior to the Effective Date (which date will terminate Salem's 1981 taxable year), Salem will retain (rather than distribute) any such net taxable gains to the extent that they may be offset by its capital loss carryovers. Thus, the capital loss carryovers available to the Surviving Fund will be substantially lower than the \$5,899,000 available to Salem as of February 28, 1981.

With respect to net taxable capital gains realized by Magellan from March 31, 1981, up to the Effective Date, such gains may be retained (and not distributed) by Magellan because such gains may be offset (i) by available capital loss carryovers of the Surviving Fund or (ii) by net capital losses realized by Magellan subsequent to the Effective Date of the proposed merger. Thus, former shareholders of Salem who have become shareholders of Magellan may or may not incur any tax consequences with respect to any realized net capital gains of Magellan which exist on the Effective Date.

The Board of Directors of the Funds have determined that the proposed merger should be consummated on the basis of the relative net asset values of the Funds and that use of a tax adjustment formula is not appropriate. The directors noted that there is no assurance that Magellan as the Surviving Fund will be able to fully utilize any available capital loss carryovers of Salem before they expire. In addition, any tax adjustment would reflect only the potential value of a deferral of tax liability to shareholders of Magellan and would be likely to have an uneven impact on individual Fund shareholders in view of their different holding periods and tax bases for Fund shares, and the various rates of tax to which they are subject.

The terms of the Advisory and Service Contracts between each Fund and FMR are substantially the same except for the advisory and service fee rates and except for a provision in the Magellan Contract imposing a limitation on, and reimbursement by FMR for certain of Magellan's expenses if they exceed a specified percentage of Magellan's average net assets. The Salem Advisory Contract was adopted effective January 1, 1979, and continued on December 15, 1980; the Magellan Advisory Contract was adopted effective June 25, 1976, and most recently continued on June 13, 1980.

The Salem Advisory Contract provides for a fee composed of three elements: a "Group" fee based on the aggregate assets of all registered investment companies advised by FMR; and Individual Fund fee; and a Performance Adjustment based on the comparative investment performance of the Fund and the Standard & Poor's Daily Stock Price Index of 500 Common Stocks (the "Index"). Based on the assets of the Funds in the Fidelity Group for the month of January, 1981 (\$9.3 billion), the annualized Group fee for Salem was .4510%. The annual Individual Fund fee for Salem is .12%. These two elements constitute the basic fee. The Salem Advisory Contract provides that the basic fee rate is to be adjusted by .02% for each percentage point of difference between the performance of the Fund and the record of the Index, to an annualized maximum of plus or minus .2%.

The period for comparing the performance and determining Salem's average net assets, against which the fee rate is applied, is the prior 36 months. Until the Salem Advisory Contract has been in effect for 36 months, certain interim provisions apply. Under these provisions, for each of the first 11 months the basic fee rate (excluding the Performance Adjustment) was applied to the Salem average net assets for the month in question. Commencing with the twelfth month (December, 1979), the basic fee rate was adjusted for the relative performance of Salem and the Index from the beginning date of the Advisory Contract (January 1, 1979). Salem's assets are measured over the same period. When the Salem Advisory Contract has been in effect for 36 months, as each additional month is added to the 36 month performance period, the oldest month is eliminated from consideration.

The existing Magellan Advisory Contract provides for a basic annual advisory and service fee computed and payable monthly at the annual rate of .8% of Magellan's average daily net assets for the period covering the preceding 36 months. Like the fee of Salem, the basic fee is subject to upward or downward adjustment depending upon whether, and to what extent, Magellan's investment performance over the 36-month period exceeds or is exceeded by the Index. In applying the Performance Adjustment, the existing Magellan Advisory Contract provides that there will be no adjustment to the basic fee unless the percentage variation between the investment performance of Magellan and the Index over the performance

period amounts to more than 15%. For each percentage point that the difference in relative performance for the period exceeds 15%, the basic fee will be increased or decreased at an annual rate of .02% of average net assets over the 36-month period, up to a maximum of 10 percentage points. Under the existing Magellan Advisory Contract, if the aggregate average net assets of all of the Funds in the Fidelity Group exceeds \$4 billion for any month, the advisory and service fee for that month on its portion of that excess (determined on the basis of Magellan's portion of the aggregate average net assets) will be reduced by 10%. The existing Magellan Advisory Contract also provides that the maximum annual fee rate payable by Magellan may not exceed 1.0% of average net assets over the performance period and the minimum may not be less than .6%.

The terms of the existing Magellan Advisory Contract further provide that FMR will reimburse Magellan to the extent that Magellan's annual operating expenses exceed 1½ percent of Magellan's average annual net assets up to \$30,000,000, plus 1 percent of such assets in excess of \$30,000,000. Any such reimbursement is limited to the amount of the advisory and service fee otherwise payable for the fiscal year in question.

As noted above, it is a condition of the proposed merger that shareholders of Magellan adopt a new Advisory and Service Contract (the "New Magellan Advisory Contract"), the terms of which are identical in all material respects to Salem's existing Advisory Contract, except for the dates of execution and termination and a revised advisory and service fee as described below. The application states that the advisory and service fee rate under the proposed New Magellan Advisory Contract is substantially identical to Salem's, except that the annual Individual Fund fee is .30 percent compared with .12 percent for Salem. If the proposed merger of Salem with and into Magellan is consummated, the basic (i.e., excluding Performance Adjustment) advisory and service fee rate payable to FMR by Magellan as the Surviving Fund will be a maximum of .18 percent higher on an annual basis than the fee currently being paid to FMR by Salem. In addition, the proposed New Magellan Advisory Contract contains provisions adjusting the fee computation in connection with the possible merger or other combination of Magellan with other investment companies, including the proposed merger of Salem into Magellan. These provisions would

operate to redefine the term "average net assets" of Magellan in the event either of two types of transaction occurs: (i) a combination of another investment company with Magellan where the other investment company was advised by FMR and utilized a performance adjustment in calculating its management fee, and (ii) a combination of another investment company with Magellan which did not utilize a performance adjustment or which was not advised by FMR and has current net assets of \$10 million or more.

Under the New Magellan Advisory Contract a merger of Magellan with another investment company advised by FMR which utilizes a performance adjustment would be treated as follows:

(a) The average net assets of Magellan, for purposes of calculating the basic fee, shall include the aggregate net assets of the acquired Fund averaged over Magellan's performance period through the date of the merger transaction, as if they had been included in Magellan from the first day of Magellan's performance period existing on the date of the transaction through the date of the merger transaction; and

(b) For purposes of determining the performance adjustment for the first thirty-five months of combined operations, in any month the net asset value per share of Magellan on the first day of the applicable performance period shall be adjusted for the first thirty-five months pursuant to a formula prescribed by the New Magellan Advisory Contract whereby such net asset value will be adjusted based on the dollar-weighted investment performance of both Salem and Magellan for the period from the first day of such performance period through the date of the merger transaction.

In addition, under the New Magellan Advisory Contract a merger of Magellan with an entity not previously advised by FMR and having net assets of \$10 million or more, or if advised by FMR, not utilizing a performance adjustment will be treated as follows:

(a) For purposes of determining the basic fee, the average net assets of Magellan shall include the aggregate net asset value of such other entity on the date of the merger transaction as if such value had been included in Magellan from the first day of Magellan's performance period existing on the date of the transaction through the date of the merger transaction. One-twelfth of the basic fee rate is then applied to this amount of average net assets; and

(b) For purposes of determining the amount of the performance adjustment, Magellan shall compute its average net assets as currently provided under its

advisory contract (i.e., without the adjustment provided in item (a) above). One-twelfth of the performance fee rate is then applied to such average net assets and the resulting amount is added to or subtracted from the amount of the basic fee.

The Applicants state that in effect the merger provisions of the New Magellan Advisory Contract essentially retain the *status quo* in a merger situation with respect to the calculation of "average net assets" for purposes of computing the advisory and service fee, i.e., (i) where both funds are advised by FMR and utilize a performance adjustment, it combines the monthly "average net asset" level of the merged or combined companies at approximately the same level as it would have been had the companies not merged and had the same performance period so that the level of advisory fee revenues to FMR would be approximately the same as if the companies had not merged; and (ii) where one fund is not advised by FMR and has net assets of \$10 million or more or is advised by FMR but does not utilize a performance adjustment, the level of advisory fees would be comparable to that which would result if the New Magellan Advisory Contract looked solely to the current month's average net assets in calculating the advisory fee for that month. Applicants, other than Salem Plans, submit that with respect to the averaging of performance where both entities are advised by FMR and the acquired entity utilizes a performance adjustment, the New Magellan Advisory Contract will produce a performance adjustment which reflects the performance of both entities prior to the merger or combination.

The Directors of the Funds, according to the application, considered the potential impact of calculating the monthly average net assets of Magellan as the Surviving Fund over its performance period but without including the average net assets of the acquired Fund on the date of the merger transaction as if they had been included in Magellan from the first day of Magellan's performance period existing on the date of that transaction through the date of the merger transaction. Such an approach would result in the average net assets of Magellan for purposes of computing the advisory and service fee after the merger being substantially less than the aggregate average net assets of the two Funds if they had remained separate. The disinterested directors of the Funds have determined as a general matter that a reduction in advisory and service fee revenues to FMR resulting

solely from such a method of calculating "average net assets" is inconsistent with this type of fee structure which is designed to compensate the investment adviser in large part based upon the assets which it manages, and that it would be inequitable in a merger transaction of the type herein contemplated to calculate an advisory fee against an artificially reduced level of average net assets rather than against the level of net assets actually being managed. Accordingly, the directors of the Funds have approved submission of the New Magellan Advisory Contract to shareholders of Magellan in order to provide a more equitable method for the calculation of average net assets and the Performance Adjustment in the event of a merger or other business combination.

The New Magellan Advisory Contract retains Magellan's performance period for purposes of calculating average net assets for both the Group Fee and the Performance Adjustment portions of the advisory and service fee. The application states that the directors of both Funds considered, as an alternative, using Salem's performance period for purposes of this calculation. They also acknowledged Magellan's considerably better performance record as compared with Salem's (for the calendar year of 1980, the respective performances of Magellan and Salem were +64.57% and +27.62%) and that, taken together with the different performance periods of those Funds, the Performance Adjustment of the combined Fund would be different than if Salem had not merged. The directors determined that, based upon net asset levels and performance results through February 28, 1981, the use of Magellan's performance period would result in a somewhat smaller advisory fee payment to FMR and thus would be more favorable to shareholders of the combined Fund, that the New Magellan Advisory Contract will produce a performance adjustment which, in an acceptable manner, reflects the performance of both entities prior to the merger, and that the proposed merger is appropriate.

The Board of Directors of each Fund, a majority of whom are not interested persons of the Fund or FMR, have concluded that the New Magellan Advisory Contract was appropriate, and the Board of Directors of Magellan, including the disinterested directors, unanimously have voted to approve the New Magellan Advisory Contract. The disinterested directors of the Funds are of the opinion that the New Magellan Advisory Contract as it relates both to the merger transaction contemplated in

the application and to business combinations including Magellan in general, does not involve overreaching on the part of any person concerned, does not result in participation by either Fund on a basis different from or less advantageous than that of any other participant, and is in the best interests of each Fund and its shareholders.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company or affiliated person of such person, acting as principal, knowingly to sell to or purchase from such company any security or other property except securities of which the investment company is the issuer. Section 17(b) of the Act, however, provides that the Commission may exempt a proposed transaction from Section 17(a) of the Act if the evidence establishes that the terms of the proposed transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Applicants state that the Funds might be deemed to be "affiliated persons" of each other by virtue of being under common control within the meaning of Section 2(a)(3) of the Act and that any conversion of Salem shares into Magellan shares by the Funds pursuant to the terms of the proposed merger might be deemed to be prohibited by Section 17(a) of the Act. Consequently, the disposition of portfolio securities by Salem to Magellan and the acquisition by Magellan of those securities pursuant to the terms of the proposed merger and the resulting exchange by Applicants of Salem shares for Magellan shares in connection with the merger transaction might be deemed to be prohibited by Section 17(a) of the Act. While the Funds do not necessarily agree with such an interpretation, they deem it advisable to resolve any uncertainty by requesting the Commission to exercise its exemptive authority under Section 17(b) of the Act.

Applicants further state that Section 17(a) of the Act might be deemed to apply to the transactions contemplated by the proposed merger because FMR, which is an affiliated person of both Funds under Section 2(a)(3) of the Act because it is their investment adviser and an affiliated person of Magellan because FMR or its affiliated persons own more than 5% of Magellan's outstanding shares, will participate in

the merger transaction as a Salem shareholder. Finally, according to the Applicants Section 17(a) of the Act could be deemed to apply to the transactions contemplated by the proposed merger because Magellan is an affiliated person of Edward C. Johnson 3d and Caleb Loring, Jr. under Section 2(a)(3) of the Act, due to the ownership by Mr. Johnson and Mr. Loring of more than 5% of Magellan's outstanding shares (as of January 31, 1981), and because each individual is an affiliated person of Salem by virtue of his position as an Officer and Director of the Fund.

Applicants, other than Salem Plans, submit in accordance with the provisions of Section 17(b) of the Act that the terms of the proposed merger transaction are fair and reasonable and do not involve overreaching on the part of any person concerned, that the proposed merger transaction is consistent with the investment objective of each of the Funds and that the proposed merger is consistent with the general purposes of the Act. In this regard the directors of each Fund, including those Board members who are not "interested persons" of the Funds or FMR, have approved the proposed merger and have determined to recommend its approval by the shareholders of their respective Funds as being in their best interests. According to the application the Salem directors believe that the more flexible investment policies of Magellan could significantly improve the Salem shareholders' opportunity to achieve their investment objective, notwithstanding the fact that in recent years Magellan's portfolio turnover rate has been substantially higher than Salem's. By virtue of the proposed merger, Magellan will acquire substantial portfolio securities which are compatible with its investment objective without incurring brokerage commissions. Furthermore, the Fund directors believe that certain economies of scale will be achieved as a result of the proposed merger. It is estimated that the first year operating expenses of the combined Fund will be approximately \$46,000 lower than their anticipated level if the two Funds remain separate. Applicants further submit that the merger transaction will be accomplished on the basis of the net asset values of each Fund computed using Magellan valuation procedures (which are virtually identical to Salem's) under the authority of the directors of each Fund and reviewed by the independent certified public accountants for each Fund. The Applicants also state that each Fund will bear its respective

expenses in connection with the proposed merger and those expenses allocable to both Funds will be allocated to each in proportion to their respective net assets as of the date of consummation of the merger transaction.

Finally, the Applicants state that Rule 17a-8 under the Act, which exempts from the prohibitions of Section 17(a) of the Act a purchase or sale of property pursuant to a merger or consolidation of registered investment companies which may be deemed affiliated persons of each other solely by reason of having common officers, directors and/or investment adviser, would be available for the Funds to rely upon here, except for the fact of the percentage ownership by Messrs. Johnson and Loring of Magellan and the possible affiliation of Salem Plans to Salem and Magellan, all as noted above. The Funds submit that the proposed merger would otherwise meet the conditions of Rule 17a-8, because the directors of each Fund have, in the course of approving the merger, made the requisite findings that (i) participation in the merger transaction is in the best interests of their Fund and (ii) the interests of existing shareholders of their Fund will not be diluted if the merger transaction is consummated.

Rule 17d-1, adopted by the Commission pursuant to Section 17(d) of the Act, provides, in part, that no affiliated person of any registered investment company and no affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by an order. A joint enterprise or other joint arrangement as used in this Rule is any written or oral plan, contract, authorization or arrangement, or any practice or understanding concerning an enterprise or undertaking whereby a registered investment company and any affiliated person of such registered investment company, or any affiliated person of such a person, have a joint and several participation, or share in the profits of such enterprise or undertaking. In passing upon such application, the Commission will consider whether the participation of such registered investment company in such joint enterprise or joint arrangement on the basis proposed is consistent with the provisions, policies

and purposes of the Act, and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

As noted above, FMR is an "affiliated person" of both Magellan and Salem within the meaning of Section 2(a)(3) of the Act. Thus, FMR in receiving shares of Magellan as a result of the proposed merger transaction, which its officers and employees in their capacity as Fund officers developed and proposed to the directors of each Fund and on which it will have voted, might be deemed to have a joint participation with Magellan and/or Salem and therefore be engaged in a joint enterprise or arrangement prohibited by Section 17(d) of the Act and Rule 17d-1 thereunder without Commission approval. Moreover, because Mr. Johnson and Mr. Loring each owns of record more than 5% of the outstanding shares of Magellan, Magellan and each of Messrs. Johnson and Loring are affiliates of each other. In view of such ownership of Magellan shares and the ownership by each of Salem shares, the participation of each in the proposed merger might be deemed to be subject to the provisions of Section 17(d) of the Act. Furthermore, also as noted above, Salem and Magellan may be deemed to be affiliated persons of each other, and Salem Plans may be deemed to be an affiliated person of Salem and Magellan. Accordingly, the participation of the Funds and Salem Plans in the proposed merger might also be deemed to be subject to the provisions of Section 17(d) of the Act and Rule 17d-1 thereunder.

The Applicants, other than Salem Plans, submit that, in accordance with the provisions of Section 17(d) of the Act and Rule 17d-1 thereunder, the terms of the proposed merger transaction as described above are reasonable and fair to all parties, and are consistent with the provisions, policies and purposes of the Act. The Applicants state that the agreement with respect to bearing expenses involved in the merger transaction will result in a fair allocation of expenses, reflecting in the view of the directors of the Funds the relative benefits to each such Fund and its shareholders. Further, the Funds, FMR and Mr. Johnson submit that (i) FMR, which has participated in the negotiation of and preliminary activity with respect to the proposed merger transaction to the extent set forth in the application regarding advisory fee rates, will be treated no differently from all other shareholders of Magellan or Salem although its participation, as a shareholder, will be on a basis different

from that of Magellan and Salem, the corporate parties to the merger transaction; and (ii) Mr. Johnson and Mr. Loring, who have participated in the negotiation of the proposed merger transaction solely in their capacities as Officers and Directors of the Funds, will be treated no differently from all other shareholders of Magellan and Salem, although their participation will necessarily be on a basis different from that of Magellan and Salem, the corporate parties to the transaction. Finally, although Salem Plans disclaims any participation in the proposed merger transaction within the meaning of Rule 17d-1 under the Act, the Applicants state that to the extent Salem Plans may be deemed a participant its participation will be on the same basis as that of all the other shareholders of Salem.

Notice is further given that any interested person may, not later than May 18, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon the Applicants at the address stated above. Proof of such service (by affidavit or, in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-12813 Filed 4-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-17749; File No. SR-NSCC-81-4]

National Securities Clearing Corporation; Proposed Rule Change Relating to the Implementation of a Fee for Listing Executing Brokers in Connection with the Executed-by Program

Comments requested on or before May 20, 1981.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), notice is hereby given that on April 7, 1981, the National Securities Clearing Corporation filed with the Securities and Exchange Commission the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Text of Proposed Rule Change

Add a new Section V. J. to National Securities Clearing Corporation's SCC Division Consolidated Rate Structure as follows:

J. A monthly fee of \$10.00 to be billed to participants for each broker/dealer on whose behalf participants have indicated they will act as provided in NSCC Rule 3, Section 4.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections (A), (B), and (C) below, of the most significant aspects of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC Rule 3, Section 4 requires that a list be maintained of firms which have correspondent relationships with NCSS participants. This list facilitates the comparison of OTC correspondent trades. Costs attributable to this list have been identified and should be billed, at a break-even level, to those

firms benefiting from the service performed. The recommended fee was determined by analyzing the costs attributed to maintaining the list of correspondents (i.e., file maintenance, Important Notices of changes in the list as they occur, the quarterly publishing of an updated list in the NSCC Directory and maintaining mailing lists. These costs were allocated to all correspondents on the list and a unit monthly fee established. This fee will result in approximately \$18,000 additional billings per year (assuming 44 percent budgeted discount). NSCC does not know of any significant problems which persons affected are likely to have in complying with the proposed rule change. The proposed rule change is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 in that it provides for the equitable allocation of reasonable dues, fees and other charges among NSCC's participants. The proposed rule change is not applicable to the safeguarding of securities and funds in NSCC's custody or control or for which it is responsible because the rule establishes a fee for a service provided. The proposed fee will be equitably allocated among all participants using the service referred to in Filing No. SR-NSCC-80-17.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change is concerned solely with the implementation of a fee for a service provided only by NSCC and therefore NSCC cannot perceive that the proposed rule change will impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments on the proposed rule change will be solicited pursuant to Important Notice to NSCC's participants.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3) of the Securities Exchange Act of 1934 and subparagraph (e) of the Securities Exchange Act Rule 19b-4. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number in the caption above and should be submitted on or before May 20, 1981.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

Dated: April 23, 1981.

[FR Doc. 81-12814 Filed 4-28-81; 8:45 am]

BILLING CODE 8010-01-M

Philadelphia Stock Exchange, Inc., Applications for Unlisting Trading Privileges and of Opportunity for Hearing

April 23, 1981.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to Section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the following stocks:

Donaldson, Lufkin & Jenrette, Inc.

Common Stock, \$10 Par Value (File No. 7-5905)

Emerson Radio Corp.

Common Stock, \$10 Par Value (File No. 7-5906)

Piedmont Aviation, Inc.

Common Stock, \$1 Par Value (File No. 7-5907)

These securities are listed and registered on one or more other national securities exchanges and are reported in the consolidated transaction reporting system.

Interested persons are invited to submit on or before May 14, 1981 written data, views and arguments concerning the above-referenced applications. Persons desiring to make written comments should file three copies thereof with the Secretary of the Securities and Exchange Commission, Washington, D.C. 20549. Following this opportunity for hearing, the Commission will approve the applications if it finds, based upon all the information available to it, that the extensions of unlisted trading privileges pursuant to such applications are consistent with the maintenance of fair and orderly markets and the protection of investors.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-12815 Filed 4-28-81; 8:45 am]
BILLING CODE 8010-01-M

[Release No. 22019; 70-6569]

Vermont Yankee Nuclear Power Corp. et al., Proposed Entry Into Sales Agreement Under New Nuclear Fuel Trust; Sponsor Guarantees of Agreement Obligations; and Issuance of Note

April 23, 1981.

In the matter of Vermont Yankee Nuclear Power Corporation, 77 Grove Street, Rutland, Vermont 05701; New England Power Company, 25 Research Drive, Westborough, Massachusetts 01581; Montaup Electric Company, P.O. Box 391, Fall River, Massachusetts 02722; The Connecticut Light & Power Company, P.O. Box 270, Hartford Connecticut 06101; The Hartford Electric Light Company, P.O. Box 270, Hartford, Connecticut 06101; Western Massachusetts Electric Company, 174 Brush Hill Avenue, West Springfield, Massachusetts 01089.

Vermont Yankee Nuclear Power Corporation ("Vermont Yankee"), a subsidiary of New England Electric System ("NEES") and Northeast Utilities ("NU"), registered holding companies; New England Power Company ("NEP"), a subsidiary of NEES; The Connecticut Light & Power Company ("CL&P"), the Hartford Electric Light Company ("HELCO"), and Western Massachusetts Electric Company ("WMECO"), subsidiaries of NU; and Montaup Electric Company ("Montaup"), a subsidiary of Eastern Utilities Associates ("EUA"), a registered holding company, have filed an application-declaration and an amendment thereto with this

Commission under Section 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Public Utility Holding Company Act of 1935 ("Act") and Rule 50(a) (2) thereunder.

Vermont Yankee operates a 540 megawatt nuclear power generating plant in Vernon, Vermont. Vermont Yankee is owned by the applicant-declarants and five other companies not subject to the filing requirements of the Act ("Sponsors"). Each Sponsor is required to provide equity capital to Vermont Yankee and to purchase its plant capacity and output in an amount equal to the Sponsor's ownership percentage.

Vermont Yankee proposes to enter into a nuclear fuel sales agreement ("Agreement") with the Vernon Energy Trust ("Trust"), a newly created trust for the sole purpose stated herein, for the purchase of nuclear fuel by Vermont Yankee for use in its plant. The Trust would finance up to \$40,000,000 outstanding at any one time of nuclear fuel inventory. The Trust would acquire an inventory of nuclear fuel in process from, or on behalf of, Vermont Yankee and after fabrication is completed sell it back to Vermont Yankee and lend Vermont Yankee funds to pay for such fuel. The loan by the Trust would be secured by a pledge of Vermont Yankee's right to receive the payment of fuel costs under power contracts with its Sponsors. The loans would be paid as fuel is consumed. Vermont Yankee intends to initially borrow under the Agreement based on the fuel in its reactor and sell the Trust its interest in other uranium and fuel contracts as additional financing is needed.

Under the terms of the Agreement, the Trust will make additional payments up to \$40,000,000 at any one time outstanding to suppliers, processors and manufacturers necessary to carry out the terms of any contracts assigned under the Agreement or will reimburse Vermont Yankee for any such payments made by it. To obtain its necessary capital the Trust will issue and sell its commercial paper ("CP Notes") and will enter into a Credit Agreement with Banker's Trust Company ("Bank") pursuant to which the Bank will issue Letters of Credit for the benefit of the holders of the CP Notes and/or the Bank will provide loans to the Trust up to an aggregate commitment of \$40,000,000 at any time outstanding. The Bank will contract with two other banks, the First National Bank of Boston and Marine Midland Bank, N.A., to participate in the Agreement. The Trust will pay the Bank an annual fee of $\frac{1}{4}$ of 1 percent on the daily average aggregate outstanding principal amount of CP Notes and an

annual commitment fee of $\frac{1}{4}$ of 1 percent on any unused portion of the commitment. In addition, the Trust will grant to the Bank, on behalf of itself and the holders of the CP Notes, a security interest in its inventory of nuclear fuel, the Agreement, and its rights under the Guarantee Agreements referred to below.

Vermont Yankee will also enter into a Promissory Note ("Note") under the provisions of which it is obligated to make payments to the Trust to the extent that the unpaid principal amount of the Note exceeds the aggregate cost of the Nuclear Cores less any deductions for actual burn-up of the fuel during the heat production process. Payments under the Note will be charged to interest expense and billed *pro rata* to the Sponsors. Each sponsor will execute a Guarantee Agreement to unconditionally guarantee its respective percentage of Vermont Yankee's payment obligation under the Agreement.

Vermont Yankee represents that the Agreement constitutes the most economical method of financing its fuel requirements presently available to it. Based upon a commercial paper rate for high grade commercial paper of 14.25 percent per annum, the effective interest cost to the Trust of its proposed commercial paper would be 15.5 percent per annum. If the Trust were to resort to the short-term borrowings available to it, assuming a prime rate of 17 percent per annum, the interest cost would be 18.70 percent per annum. These costs to Vermont Yankee are either payable in the form of Quarterly Finance Charges under the Agreement with respect to nuclear fuel covered by the Agreement or as interest payments on the Note with respect to nuclear cores financed under the Agreement. In the event of any default in any payment (either under the Agreement or under the Note), an additional interest penalty at a rate per annum equal to 2 percent above the rate otherwise payable will be payable until the overdue amount has been paid in full.

The application-declaration and any amendments thereto are available for public inspection through the Commission's Office of Public Reference. Any interested person wishing to comment or request a hearing should submit views in writing by May 15, 1981 to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, and serve a copy on the applicant-declarants at the addresses specified above and proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with

the request. Any request for a hearing shall identify specifically the issues of fact or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in this matter. After said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-12817 Filed 4-28-81; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 11746; 812-4800]

Temporary Investment Fund, Inc., et al.; Filing of Application for Investment Company Act Exemption

April 23, 1981.

In the matter of: Temporary Investment Fund, Inc., Municipal Fund for Temporary Investment, Inc., Trust for Short-Term Federal Securities, Suite 204, Webster Building, 3411 Silverside Road, Wilmington, DE 19810; Provident Institutional Management Corporation, Concord Plaza, 105 Springer Building, 3411 Silverside Road, Wilmington, DE 19810; Provident National Bank, Broad and Chestnut Streets, Philadelphia, PA 19107; Shearson Loeb Rhoades Inc., Two World Trade Center, 102nd Floor, New York, NY 10048; Henry M. Watts, Jr., Mitchel, Schreiber, Watts & Co., 20 Broad Street, New York, NY 10005 (812-4800).

Notice is hereby given that Temporary Investment Fund, Inc. ("TempFund"), Municipal Fund for Temporary Investment, Inc. ("MuniFund"), Trust for Short-Term Federal Securities (the "Trust") (collectively, the "Funds"), Provident Institutional Management Corporation ("PIMC"), Provident National Bank ("Provident"), Shearson Loeb Rhoades Inc. ("Shearson"), and Henry M. Watts, Jr. ("Watts") (collectively, these parties are referred to as "Applicants") filed an application on January 12, 1981, and amendments thereto on March 24, 1981, and April 10, 1981, pursuant to Section 6(c) of the Investment Company Act of 1940 ("Act"), for an order of the Commission declaring that Watts shall not be deemed to be an "interested person" of the Funds, PIMC, Provident or Shearson within the meaning of Section 2(a)(19) of the Act by reason of his being an officer, director and employee of a broker-dealer. All interested persons are referred to the application on file with

the Commission for a statement of the representations contained therein, which are summarized below.

TempFund and MuniFund, both Maryland corporations, and the Trust, a Pennsylvania business trust, are each open-end, diversified, management investment companies registered under the Act. PIMC, a wholly-owned subsidiary of Provident, is the investment adviser for each of the Funds. Provident is sub-adviser for each of the Funds and Shearson is the administrator, distributor and principal underwriter for each of the Funds.

According to the application, TempFund is a "money-market" fund designed as a convenient vehicle for the short-term investment of funds held by banks and other institutions in a fiduciary, advisory, agency, custodial or other similar capacity. TempFund's investment objective is to provide current interest income and stability of principal by investing in a portfolio of "money-market" instruments with maturities generally not exceeding six months. The application states that MuniFund is designed primarily as a vehicle through which institutions can invest cash reserves in a portfolio of short-term obligations issued by or on behalf of states, territories and possessions of the United States and the District of Columbia and their political subdivisions, agencies, instrumentalities or authorities, the interest income from which is exempt from federal income tax. The application also states that the Trust is designed as a convenient vehicle for the short-term investment of funds held by banks and other institutions in a fiduciary, advisory, agency, custodial or other similar capacity, and that the Trust consists of two separate portfolios, FedFund and T-Fund. FedFund consists of obligations issued or guaranteed by the United States Government, its agencies or instrumentalities and the United States Treasury bills, notes and other direct Treasury obligations. T-Fund consists of United States Treasury bills, notes and other direct obligations of the United States Treasury.

The application states that Watts is chairman of the board of directors of Mitchel, Schreiber, Watts & Co., Inc. ("Mitchel, Schreiber, Watts & Co."), a brokerage firm registered with the Commission under the Securities Exchange Act of 1934. Mitchel, Schreiber, Watts & Co. is described as a professional brokerage firm which executes and clears transactions on the national and regional securities exchanges solely on behalf of other broker-dealers; its sole function

performed on behalf of its clients is the technical execution and clearance of exchange-traded securities; it does not provide research analysis or other financial services.

Section 2(a)(3) of the Act defines an "affiliated person" of another person to include, among others, any officer, director, partner, copartner, or employee of that other person. Section 2(a)(19) of the Act defines an "interested person" of an investment company or the investment adviser or principal underwriter for any investment company to include, among others, any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such a broker or dealer. Thus, by virtue of his status as an officer, director and employee of Mitchel, Schreiber, Watts & Co., Mr. Watts is deemed to be an interested person of each of the Funds and of PIMC, Provident and Shearson.

Applicants affirm that PIMC and Provident may, from time to time, place transactions on a national or regional securities exchange on behalf of other accounts managed by them (not including any of the Funds). However, they assert that because neither PIMC nor Provident is a registered broker-dealer, Mitchel, Schreiber, Watts & Co. does not execute transactions on behalf of PIMC or Provident. The application states that if Mitchel, Schreiber, Watts & Co. were to act indirectly (through an intermediary broker-dealer) on behalf of PIMC or Provident, neither Mitchel, Schreiber, Watts & Co., PIMC nor Provident would have any knowledge of the other party's identity or participation in such a transaction.

Applicants claim that although Shearson is a registered broker-dealer, a relatively small brokerage firm such as Mitchel, Schreiber, Watts & Co. does not execute transactions on behalf of large sophisticated firms such as Shearson. The application states that, to Watts's knowledge, Mitchel, Schreiber, Watts & Co. has not directly acted on behalf of, or received any compensation from, Shearson since Shearson's formation in December, 1979.

Section 6(c) of the Act provides, in part, that the Commission may upon application, conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities or transactions, from any of the provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the

purposes fairly intended by the policy and provisions of the Act.

Applicants submit that the business activities of Mitchel, Schreiber, Watts & Co. are limited solely to acting as broker for other broker-dealers in the execution of securities transactions on national and regional securities exchanges, and that portfolio securities of the type held by the Funds are not traded on such exchanges. Accordingly, Applicants assert, Mitchel, Schreiber, Watts & Co. has no direct or indirect business relationship with the Funds and it also has no direct business relationship with PIMC, Provident or Shearson.

Applicants submit that the requested exemption is appropriate in the public interest and is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

In connection with the application, the following representations have also been made:

1. The Funds represent that they do not now use Mitchel, Schreiber, Watts & Co. for portfolio brokerage or for the distribution of their respective shares and, in the event their respective investment policies change or the business of Mitchel, Schreiber, Watts & Co. changes, the Funds represent that they will not use Mitchel, Schreiber, Watts & Co. for such brokerage or distribution so long as Watts is a director of any of the Funds and a director, officer or employee of Mitchel, Schreiber, Watts & Co.; and

2. The Funds, to the best of their knowledge, PIMC, Provident and Shearson, to the extent of their respective business relationships, and Watts represent that since at least October 1, 1978, Watts has not had a material business or professional relationship with PIMC, Provident or Shearson or with the principal executive officers or any controlling persons of PIMC, Provident or Shearson.

Notice is further given that any interested person may, not later than May 18, 1981, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon each Applicant at the addresses stated above. Proof of such service (by affidavit or, in the case of an

attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority,

George A. Fitzsimmons,
Secretary.

[FR Doc. 81-12616 Filed 4-28-81; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 81-108]

Courier Services; Procedure for Processing Importations by Courier Services

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document announces that Customs has established uniform procedures for processing importations by Courier Services. The procedures, designed to expedite the processing of importations made by Courier Services and to afford protection of the revenue, are being implemented in response to questions which have arisen in regard to Customs processing of courier service importations. They were prepared after review of public comments received in response to a notice inviting comments on Customs handling of Courier Services.

EFFECTIVE DATE: May 29, 1981.

FOR FURTHER INFORMATION CONTACT: Marcia Kaplan, Classification and Value Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229 (202-566-2938).

SUPPLEMENTARY INFORMATION

Background

Courier Services provide overnight delivery service of articles from overseas. Usually, they import: Intangibles (described in General headnote 5, Tariff Schedules of the United States); commercial drawings or

plans; business records; diagrams; and other data. Although intangibles are exempt from entry, all other articles, unless specifically exempted from entry as provided for in 19 CFR 141.4, are required to be entered.

Courier Services generally import their shipments in two ways. One is by use of an "on board" Courier, an individual who brings the articles with him, the other is by use of a "cargo courier."

The "on board" courier usually is an employee of the courier service who imports the shipment as accompanying baggage, filing a baggage declaration (see 19 CFR 148.23). This courier typically brings 10 to 15 duffle bags each containing a large number of separately addressed envelopes and parcels. Often there is commingling of both intangibles and other dutiable and nondutiable articles. Articles within the duffle bags or pouches which, under Customs regulations, cannot be cleared on the baggage declaration require the filing of an entry, formal or informal.

The "cargo courier," on the other hand, usually is a courier service employee overseas who arranges for an unaccompanied shipment of the article to a courier service in the United States which is generally named as consignee on the shipping documents. Another courier service employee in the United States, accompanied by a customhouse broker, picks up the shipment on arrival and the broker files the entries, formal and informal, for articles which generally are of the same kind imported by "on board" couriers.

At the request of members of the importing community, Customs published a notice in the *Federal Register* on June 19, 1980, (45 FR 41565), inviting the public to comment on Customs handling of courier services. By notice published in the *Federal Register* on August 22, 1980 (45 FR 56221), the time for the submission of comments was extended from August 18 to September 18, 1980.

Specifically, the public was asked to comment on the following questions which arose in regard to certain problems encountered during the processing of importations made by courier services:

(1) Should the bags or pouches imported by "on board" couriers be treated as accompanying baggage of the individual courier?

(2) May a courier service designated as the consignee of merchandise brought or shipped to the United States by courier service employees file a formal or informal entry in its own name? (Under 19 U.S.C. 1483, all merchandise

imported into the United States is deemed the property of the person to whom that property is consigned).

(3) May a courier service which is not the consignee of the merchandise and has not been authorized in writing by the consignee, execute a power of attorney designating a broker to make the entry?

Numerous comments from business organizations, various professions, customhouse brokers, and courier services were received in response to the notice. Following an analysis of the comments and a review of the issues, Customs reached the following conclusions:

A. A courier service, by virtue of possession, may clear baggage through Customs by means of a baggage declaration to the extent authorized by § 148.23(c), Customs Regulations (19 CFR 148.23(c)).

B. If a courier service qualifies as the consignee under 19 U.S.C. 1483, it may file formal or informal entries in its own name or may, by a power of attorney, authorize a customhouse broker to make entry. One of the forms of evidence of right to make entry listed in § 141.11(a), Customs Regulations (19 CFR 141.11(a)), shall be filed in connection with the entry.

Entry and clearance of courier service importations will be treated in accordance with these legal principles. To assure expeditious clearance, a courier service will be required to separate sacks into two groups:

a. Merchandise transported as baggage and limited to (1) intangibles which, although exempt from entry, may include currency or other monetary instruments subject to the reporting requirements of 31 CFR 103.23, and (2) business records which the courier service proposes to clear via a baggage declaration, pursuant to § 148.23(c), Customs Regulations (19 CFR 148.23(c)).

b. All other items. This category generally will not be examined in the passenger clearance area, but will be removed to the cargo area for normal processing as air cargo. Formal or informal entry normally will be required.

If a courier commingles other merchandise with business records and intangibles which he proposes to clear via a baggage declaration, the appropriate Customs officer will refer all sacks to the cargo processing area to ensure proper processing and adequate protection of the revenue.

District/area directors will prescribe operational safeguards to ensure that couriers are conforming to the procedures. Where operationally feasible, pouches which may be cleared via a baggage declaration may be processed in passenger processing facilities. When protection of the revenue dictates, Customs will require a formal or informal entry for articles which a courier intended for clearance on a baggage declaration.

Processing of pouches requiring formal or informal entry will be conducted elsewhere than in the passenger inspection area, with facilities suitable for proper inspection of cargo or mail packages.

Regional commissioners and district/area directors will, based upon local conditions, determine if articles requiring formal or informal entry may be processed outside normal cargo processing duty hours, or whether they should be routed to the cargo area for processing during regular duty hours.

When protection of the revenue so requires, and in cases where a courier service continues to provide insufficient or inaccurate documentation or does not segregate the articles as prescribed, Customs will require that *all* courier pouches be transferred to the cargo area for processing.

In cases of continued violations, the district/area director will take action to impose the sanctions provided for violation of section 592, Tariff Act of 1930, as amended (19 U.S.C. 1592), and may refer the matter to the Office of Investigations, U.S. Customs Service, for further investigation.

Unaccompanied courier shipments will be processed in the same manner as other cargo shipments.

Drafting Information

The principal author of this document was Lawrence P. Dunham, Regulations and Information Division, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

George C. Corcoran, Jr.,
Acting Commissioner of Customs.

Approved: April 6, 1981.

John P. Simpson,
Acting Assistant Secretary of the Treasury.

[FR Doc. 81-13117 Filed 4-28-81; 9:04 am]

BILLING CODE 4810-22-M

Sunshine Act Meetings

Federal Register

Vol. 46, No. 82

Wednesday, April 29, 1981

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

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1

(M-314; April 23, 1981)

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 9:30 a.m., April 30, 1981.

PLACE: Room 1027, 1825 Connecticut Ave., N.W., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.
2. Docket 39285, Texas International-Continental Acquisition Case. Instructions to staff (OGC)
3. Dockets 28800 and 32126, *Phoenix-Des Moines/Milwaukee Route Proceeding; Twin Cities-Kansas City Oklahoma-Texas Route Proceeding* (OGC)
4. Docket 33237, Draft Environmental Impact Statement for John Wayne Airport, Orange County, California; petition of the City of Newport Beach, California for further proceedings (Memo 467, BDA)
5. Docket EAS-349, Essential Air Transportation Determination of Crescent City, California (BDA, OCCR, OGC)
6. Commuter carrier fitness determination of Williams Air (Memo 461, BDA, OGC)
7. Commuter carrier fitness determination of Chaparral Airlines, Inc. (BDA)
8. Dockets 38922 and EAS-423—Frontier's notice of intent to suspend service at Liberal, Kansas (Memo 186-A, BDA, OCCR)
9. Dockets 38503, 38504, EAS 410 and EAS 414—Notices of Intent of Mississippi Valley Airlines to suspend service at Clinton and Ottumwa, Iowa (BDA, OCCR, OGC)
10. Docket 38706, Notice of intent of Cascade Airways, to terminate service at Moses Lake/Ephrata, Washington (Memo 063-B, BDA, OCCR)
11. Docket 38649, Air Illinois' notice of intent to terminate all service at Mt. Vernon, Illinois (BDA)
12. Docket 36244, Southern Nebraska Carrier Selection Case (BDA)
13. Docket 38153, Sun International's interim rate for providing essential service at Aguadilla, Puerto Rico (BDA, OCCR, OC, BALJ)

14. Docket 37165, *Great Northern Airlines Service Mail Rates Investigation* (Memo 393-A, BDA)

15. Dockets 30790, 36766, 30697, 37164, 37596, 38302, and 30789; Order Granting Boston-Foreign Points Authority (Memo 465, BIA, OGC)

16. Dockets 32876, 34763, 35028, 38218, 38535, 35135, 29757, 30050 and 38104; Applications of Braniff, Pan American, Transamerica and Trans World for scheduled authority from the United States to various points in the Middle East. (Memo 464, BIA, OGC, BALJ)

17. Dockets 39229, 39230, 39231, 39269, 39296, 39297 and 39393; Applications of Trans Global Airlines, Intercontinental Airways, K-Air, Peninsular Air Transport, Jet Fleet Corp., International Travel Airlines, and Transocean Air Lines for transatlantic cargo charter authority. (Memo 460, BIA, OGC, BALJ)

18. Dockets 38951 and 39155, Applications of Laker Airways to amend its foreign air carrier permit to add new authority (a) between Manchester, England and Prestwick, Scotland and Miami, Florida and Los Angeles, California, and (b) between Manchester, England and New York, New York and between London, England and Tampa, Florida. (Memo 459, BIA, OGC, BALJ)

STATUS: Open.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary (202) 673-5068.

[S-675-81 Filed 4-27-81; 3:51 pm]

BILLING CODE 6320-01-M

2

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., Friday, May 8, 1981.

PLACE: 2033 K Street, N.W., Washington, D.C., ninth floor conference room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance Briefing.

CONTACT PERSON FOR MORE

INFORMATION: Jane Stuckey, 254-6314.

[S-673-81 Filed 4-27-81; 11:07 am]

BILLING CODE 6351-01-M

3

FEDERAL ENERGY REGULATORY COMMISSION.

April 23, 1981.

TIME AND DATE: 2 p.m., May 5, 1981.

PLACE: Room 9306, 825 North Capitol Street, N.E., Washington, D.C. 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Staff briefing in United Gas Pipeline Company, Docket No. RP71-29.

CONTACT PERSON FOR MORE

INFORMATION: Kenneth F. Plumb, Secretary; telephone (202) 357-8400.

[S-674-81 Filed 4-27-81; 2:57 pm]

BILLING CODE 6450-85-M

4

POSTAL SERVICE.

Board of Governors

Notice of Meeting

The Board of Governors of the United States Postal Service, pursuant to its Bylaws (39 CFR 7.5) and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice that it intends to hold meetings at 3:00 P.M. on Monday, May 4, and at 9:00 A.M. on Tuesday, May 5, 1981, in the Benjamin Franklin Room, 11th Floor, Postal Service Headquarters, 475 L'Enfant Plaza, SW, Washington, D.C. 20260. Except as indicated in the following paragraphs, the meetings are open to the public. The Board expects to discuss the matters stated in the agenda which is set forth below. Requests for information about the meetings should be addressed to the Secretary of the Board, Louis A. Cox, at (202) 245-4632.

On April 6, 1981, the Board of Governors of the United States Postal Service voted to close to public observation portions of its next meeting which is expected to be attended by the following persons: Governors Babcock, Camp, Ching, Hardesty, Hughes, Hyde, Jenkins and Sullivan; Postmaster General Bolger; Deputy Postmaster General Benson; Secretary to the Board Cox; and Counsel to the Governors Califano.

One portion of the meeting to be closed will involve a continuation of the discussion of the Postal Service's possible strategies and positions in connection with anticipated collective bargaining negotiations. A second portion of the meeting to be closed will involve a discussion concerning Red Tag mail. A third portion of the meeting to be closed will consist of a continuation of the discussion of prospects for identifying measures to deal with appropriations reductions and other revenue deficiencies which was started at the April 6 meeting.

Agenda

Monday Afternoon Session (Closed):

1. Discussion of prospects for identifying additional measures to curb postal deficit.

(The Board will continue its discussion of prospects for identifying measures to deal with appropriations reductions and other revenue deficiencies.)

2. Discussion concerning Red Tag Mail

(At the August 5, 1980, meeting, the members agreed that management should be directed to prepare a new Rate Commission filing on Red-Tag mail, to be presented to the Board for approval at its regular meeting to be held in May of 1981.)

3. Discussion of Labor Relations

(The Board will continue its discussion of the Postal Service's possible strategies and positions in connection with anticipated collective bargaining negotiations involving parties to the 1978 National Agreements between the Postal Service and four labor organizations representing certain postal employees, which is scheduled to expire in July of 1981.)

Tuesday Morning Session (Open):

1. Minutes of the Previous Meeting.

2. Remarks of the Postmaster General.

(In keeping with its consistent practice, the Board's agenda provides this opportunity for the Postmaster General to inform the members of miscellaneous current developments concerning the Postal Service. He might report, for example, the appointment or assignment of a key official, or the effect on postal operations of unusual weather or a major strike in the transportation industry. Nothing that requires a decision by the Board is brought up under this item.)

3. Quarterly Report on Financial Performance.

(Mr. Finch, Senior Assistant Postmaster General, Finance Group, will present the quarterly summary of financial performance.)

4. Quarterly Report on Service Performance.

(Mr. Jellison, Senior Assistant Postmaster General, Operations Group, will present the quarterly summary of service performance.)

5. Express Mail Insurance Claim Eligibility Requirements.

(Mr. Finch will outline proposed changes in the "Domestic Mail Classification Schedule" to provide Express Mail insurance coverage when no value for the item is declared and to permit either the recipient or the sender of an Express Mail shipment to file an insurance claim.)

6. Capital Investment Projects:

a. Reconsideration of Boiler Plant at the Chicago Main Post Office

(Mr. Craig, Assistant Postmaster General, Real Estate and Buildings Department, will present a proposal for reconsideration of the capital investment approved last August for a new boiler plant at the Chicago Main Post Office in light of the question whether the plant should be fueled by natural gas.)

b. Proposed new General Mail Facility/Vehicle Maintenance Facility at Fort Worth, Texas.

(Mr. Chapp, Assistant Postmaster General, Engineering and Technical Support Department, will present a proposal for a new General Mail Facility and Vehicle Maintenance Facility at Fort Worth, Texas.)

c. Proposed new General Mail Facility/Vehicle Maintenance Facility at Springfield, Massachusetts.

(Mr. Lee, Acting Regional Postmaster General, Northeast Region, will present a proposal for a new General Mail Facility and Vehicle Maintenance Facility for Springfield, Massachusetts.)

Louis A. Cox,

Secretary.

[S-672-81 Filed 4-27-81; 10:41 am]

BILLING CODE 7710-12-M

Federal Register

Wednesday
April 29, 1981

Part II

Nuclear Regulatory Commission

Regulatory Flexibility Agenda

**NUCLEAR REGULATORY
COMMISSION****10 CFR Ch. I****Regulatory Flexibility Agenda**

AGENCY: Nuclear Regulatory
Commission.

ACTION: Regulatory flexibility agenda.

SUMMARY: This semi-annual Regulatory Flexibility Agenda contains rules under development by the NRC which are likely to have a significant economic impact upon a substantial number of small entities. This is the first Regulatory Flexibility Agenda published by the NRC as required by the Regulatory Flexibility Act (Pub. L. 96-354), which became effective January 1, 1981.

ADDRESSES: All interested persons who desire to submit written comments or suggestions for consideration in connection with any item on the agenda should send them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch.

Copies of the agenda and any comments received on any item on the agenda are available for public inspection and copying at the Nuclear Regulatory Commission's Public Document Room, 1717 H Street, NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:
General**

For further general information on the agenda, contact J. M. Felton, Director, Division of Rules and Records, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone: 301-492-7211.

Specific

For further information about any particular item on the Agenda, contact the individual listed in the column headed "contact" for that item.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (Pub. L. 96-354) was established to encourage Federal agencies to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. The Act requires an agency to prepare a regulatory flexibility analysis for any proposed rule issued after January 1, 1981 (or final rule for which a proposed rule was issued after January 1, 1981) if the rule will have a significant economic impact on a substantial number of small entities. If the rule will not have a significant economic impact on a substantial number of small entities, the head of the agency must certify in the rule that the analysis need not be prepared.

The Act's reference to "small entities" means small business, small organization, or small governmental jurisdiction. "Small business" has the same meaning as used in section 3 of the Small Business Act (15 U.S.C. 632 et

seq.); that is, a business enterprise which is independently owned and operated and is not dominant in its field. In its rules, the Small Business Administration has defined various types of small business based upon factors such as the number of employees, volume of business, assets, etc. There are no specific guidelines covering the nuclear industry. "Small organization" means any not-for-profit enterprise which is independently owned and operated and is not dominant in its field. "Small governmental jurisdiction" means governments of cities, counties, towns, townships, villages, school districts, or special districts with a population of less than 50,000.

The Act provides in section 602(d) that agencies endeavor to notice this agenda to small entities or their representatives through direct notification or publication of the agenda in publications likely to be obtained by such small entities and shall invite comments upon each subject area on the agenda. In addition to this public notice, the NRC is issuing a public announcement to be accompanied by this agenda which will be distributed to 500 news media recipients and approximately 5,000 other interested recipients.

Dated at Bethesda, Maryland this 23rd day of April, 1981.

For the Nuclear Regulatory Commission.

E. Kevin Cornell,

Acting Executive Director for Operations.

NUCLEAR REGULATORY COMMISSION SEMI-ANNUAL REGULATORY FLEXIBILITY AGENDA

Subject area	Summary	Approximate date for completing action	Contact
Performance Testing of Personnel Dosimetry (Part 20).	A. Description: The proposed rule would require NRC licensees to have personnel dosimeters (devices carried or worn by each radiation worker to measure radiation exposure received during work) processed by a dosimetry service accredited as competent to perform these technical measurements. The accreditation program will include minimum quality assurance criteria that must be maintained by personnel dosimetry processors who perform dosimetry services for NRC licensees. B. Objective: Improve the accuracy and consistency of occupational radiation dose measurements. C. Legal Basis: 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201 (b), (i) and (o), 2273, 5841, 5842.	<i>Proposed Rule:</i> †July 1981. <i>Final Rule:</i> †July 1982	Nancy A. Dennis, Office of Nuclear Regulatory Research, (301) 443-5970.
Standards for Protection Against Radiation (Part 20).	A. Description: The proposed rule would revise Part 20 "Standards for Protection Against Radiation." Part 20 applies to all NRC licensees. It establishes standards for protection against radiation hazards under licenses issued by the NRC. The revision would incorporate current standards for radiation protection. B. Objective: To incorporate current standards for protection against radiation hazards into a revised Part 20. C. Legal Basis: 42 U.S.C. 2073, 2093, 2095, 2111, 2133, 2134, 2201 (b), (i) and (o), 2273, 5841, 5842.	<i>Proposed Rule:</i> †October 1981. <i>Final Rule:</i> †October 1984.	Robert E. Baker, Office of Nuclear Regulatory Research, (301) 443-5890.
Occupational ALARA Rule Change (Parts 20, 30, 40, 50, and 70).	A. Description: The proposed rule would require NRC licensees to develop and use means to achieve and control occupational radiation dosages that are as low as reasonably achievable (ALARA). This requirement would become part of the Radiation Protection Programs of licensees required to provide personnel monitoring to perform bioassays or to measure concentrations of radioactivity in the air. B. Objective: To further control occupational radiation exposures by requiring them to be maintained as low as reasonably achievable (ALARA) using means that are subject to NRC inspection and enforcement. C. Legal Basis: 42 U.S.C. 2071, 2073, 2092, 2093, 2095, 2111, 2133, 2134, 2201 (b), (i), and (o), 2232, 2233, 2273, 5841, 5842.	<i>Proposed Rule:</i> †August 1981 <i>Final Rule:</i> †August 1982.	Jack Bell, Office of Nuclear Regulatory Research, (301) 443-5970.
Irretrievable Well-logging Sources (Parts 30 and 70).	A. Description: The final rule will establish requirements to be followed in the event a well-logging source (a measurement/detection device which contains sealed radioactive source material) becomes disconnected from the wireline which suspends the source in the well and for which all reasonable efforts at recovery, as determined by the Commission, have been expended. B. Objective: To ensure that there is no damage to the source through drilling operations which might result in dispersal of the radioactive material to the biosphere. C. Legal Basis: 42 U.S.C. 2073, 2111, 2201 (b), (i) and (o), 5841.	<i>Proposed Rule:</i> * 43 FR 44547 November 27, 1978. <i>Final Rule:</i> †April 1982.	Michael E. Wangler, Office of Nuclear Regulatory Research, (301) 443-5946.
Responsibilities of various escheatons of nuclear medicine personnel (Part 35).	A. Description: The proposed rule would (1) define the medical uses of byproduct material, (2) define authorized physician user, and (3) list responsibilities which may be delegated to other physicians and paramedical personnel.	<i>Proposed Rule:</i> †August, 1981. <i>Final Rule:</i> †August 1982.	Elizabeth Rodenbeck, Office of Nuclear Regulatory Research, (301) 443-5760.

NUCLEAR REGULATORY COMMISSION SEMI-ANNUAL REGULATORY FLEXIBILITY AGENDA

Subject area	Summary	Approximate date for completing action	Contact
Licensing Requirements for Land Disposal of Radioactive Waste (Part 61).	B. Objective: To improve licensee understanding of the responsibilities of the authorized physician user which will lead to: (1) better supervision of nuclear medicine personnel; (2) fewer technical errors; and (3) improved management accountability. C. Legal Basis: 42 U.S.C. 2111, 2201b A. Description: The proposed rule would establish performance objectives for land disposal of waste, including technical requirements for the siting, design, operations, and closure activities for a near surface land disposal facility. This rule also sets forth proposed technical requirements on waste form that waste generators must meet for classification and disposal of waste. Finally, the rule proposes administrative and procedural requirements for licensing a disposal facility and requirements governing the certification and use of shipping manifests to track waste shipments.	<i>Proposed Rule:</i> †May, 1981. <i>Final Rule:</i> †September 1982.	Sandra Wastler, Office of Nuclear Regulatory Research, (301) 427-4570.
Advance Notification to States of Transportation of Certain Types of Nuclear Waste (Part 71).	B. Objective: Provide regulations for land disposal of low-level radioactive waste that protects the public health and safety and the environment. C. Legal Basis: 42 U.S.C. 2201(a), 2073, 2077, 2092, 2093, 2095, 2111, 2201, 2232, 2233, 5842, 5846. A. Description: The final rule will require a NRC licensee, who is to ship nuclear waste (including spent fuel) to, through, or across the boundary of a state, to provide advanced notification of the shipment to the governor of any state affected. B. Objective: To allow state governments the opportunity to take measures necessary to protect the health and safety of their citizens.	<i>Proposed Rule:</i> *45 FR 81058 December 9, 1980. <i>Final Rule:</i> †June 1981.	John P. Roberts, Office of Nuclear Material Safety and Safeguards, (301) 427-4205.
Export/Import of Nuclear Equipment and Material (Part 110).	C. Legal Basis: 1. Sec. 301 of PL 96-295 2. 42 U.S.C. 2073, 2077, 2092, 2093, 2201(i) and (o) A. Description: The final rule will: (1) expand significantly the authority of persons exporting under a general license nuclear equipment and material, and; (2) provide further clarification and simplification of Part 110. B. Objective: To increase U.S. international nuclear commerce while maintaining adequate non-proliferation controls.	<i>Final Rule:</i> †October, 1981	Marvin Peterson, Office of International Programs, (301) 5492-8155.
License Fees (Part 170).....	A. Description: The proposed rule would adjust the NRC fee schedule in Part 170 to take into account experience gained since adoption of the rule on March 23, 1978. B. Objective: To recover the Commission's cost of reviewing applications, licenses, permits, special projects, and conducting inspections. C. Legal Basis: 31 U.S.C. 483a	<i>Proposed Rule:</i> †December 31, 1981. <i>Final Rule:</i> †June 1, 1982.	William O. Miller, License Fee Management Branch, Office of Administration, (301) 492-7225.

The symbol (†) indicates that the dates for unpublished proposed or final rules are tentative.

The symbol (*) indicates that these proposed rules were published prior to January 1, 1981, and that a Regulatory Flexibility Analysis will not be issued with the final rule.

federal register

**Wednesday
April 29, 1981**

Part III

Department of Commerce

Office of the Secretary

Semiannual Agenda of Regulations

DEPARTMENT OF COMMERCE

13 CFR Chs. III and V

15 CFR Subtitle A and Chs. I, III, IV, VIII, and IX-XII

19 CFR Ch. III

37 CFR Ch. I

46 CFR Ch. II

50 CFR Chs. II-IV and VI

Semiannual Agenda of Regulations

AGENCY: U.S. Department of Commerce.

ACTION: Semiannual agenda of regulations.

SUMMARY: In compliance with Executive Order 12291, the Department of Commerce (DOC) will publish twice a year an Agenda of regulatory actions under consideration by its units. The Agenda also complies with the requirements of the Regulatory Flexibility Act. The purpose of the regulatory Agenda is to provide information to the public on regulations issued by the Department and to facilitate comments and views by interested public parties.

The closing date for information submitted for inclusion in this Agenda was March 13, 1981. Regulatory activities arising after that date are not included.

FOR FURTHER INFORMATION:

For additional information about a specific regulatory action contained in the Agenda, contact the individual identified as the contact person. Comments or inquiries of a general nature about the Agenda should be directed to:

Robert T. Miki, Director of Regulatory Policy, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: (202) 377-2482

For information on this edition of the Agenda contact:

Roger J. Mallet, Office of Regulatory Policy, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: (202) 377-2153

SUPPLEMENTARY INFORMATION: On February 17, 1981, President Reagan signed Executive Order 12291, "Federal Regulation." The Executive Order requires that all executive agencies publish semiannually an Agenda of regulations which are under consideration. The Executive Order directs government agencies to provide in the Agenda the following following information regarding major regulations

under consideration: a summary of the proposal, objectives and legal basis for the agency's action, the name and telephone number of a knowledgeable agency official, and an approximate schedule for completing action on the proposal. Major regulations are identified in the Agenda as requiring a regulatory impact analysis (RIA).

The Department's Agenda also complies with the informational requirements of the Regulatory Flexibility Act. Regulatory actions having a significant economic impact on a substantial number of small entities are identified as requiring a regulatory flexibility analysis (RFA).

In addition to those regulations which have been identified as requiring a RIA or RFA, the Department will develop brief economic analyses for several of its pending regulatory actions which are deemed important. The analyses will be performed even though the proposed actions may not be "major" under E.O. 12291.

As required by the Executive Order, a list of regulations to be reviewed is provided in the Agenda. The Department's Agenda includes all regulatory actions that will be considered over the 12-month period May 1, 1981 to April 30, 1982.

Explanation of Information Contained in the Agenda

The Department has 13 primary operating units in addition to departmental offices. Operating units, such as the Maritime Administration (MARAD), have major regulatory activities whereas other operating units, such as the Minority Business Development Agency (MBDA), currently have no regulations in effect. Departmental offices, such as the Office of Investigations and Security and the Office of Administrative Services, have few regulations.

The abbreviations and names of the Department units which have reported regulatory activities in this Agenda are as follows:

ADMIN—Assistant Secretary for Administration
EDA—Economic Development Administration
ITA—International Trade Administration
MARAD—Maritime Administration
MBDA—Minority Business Development Agency
NOAA—National Oceanic and Atmospheric Administration
NMFS—National Marine Fisheries Service
OCZM—Office of Coastal Zone Management
OME—Office of Ocean Minerals and Energy
NTIA—National Telecommunications and Information Administration

OADS—Office of the Associate Deputy Secretary

ORD—Office of Regional Development

OCE—Office of the Chief Economist

CENSUS—Bureau of the Census

BEA—Bureau of Economic Analysis

PTI—Assistant Secretary for Productivity, Technology and Innovation

PTO—Patent and Trademark Office

Schedule A lists regulatory actions under consideration. Regulations under consideration include new regulations being proposed and changes, additions, or deletions to existing rules and regulations. The schedule indicates whether the regulation is major and thus requires a regulatory impact analysis, whether a regulatory flexibility analysis is required, and the date (month or season) the next regulatory action(s) is anticipated. The name and telephone number of a person familiar with the regulation is provided. Additional information on each major action, including those significantly impacting small entities, is provided in the appendix to the Agenda.

Schedule B lists existing regulations scheduled for review by Department units over the next 12 months. A more detailed presentation of the regulatory review effort is provided in the Department's Inventory of Regulations published in the Federal Register on October 27, 1980 (45 FR 71088). The Inventory contains 241 existing Department regulations and provides the review schedule for these regulations. To date, the Bureau of Economic Analysis, the Bureau of Industrial Economics, the Bureau of the Census, and the National Bureau of Standards have scheduled tentatively for review by December 1982. An update of the Inventory will be published in the Federal Register in June 1981.

Schedule C lists regulations in previous agendas which have been deleted from Schedules A and B. The reasons for deletion are given. For example, a regulation previously under consideration was adopted, or the scheduled review of an existing regulation was completed. Where appropriate, a Federal Register citation is provided.

Ten of the 13 primary operating units of the Department reported regulations under consideration.

There are 136 regulations in the Department's Agenda. Of the total, 84 are regulations under consideration (*Schedule A*) and 52 are existing regulations scheduled for review (*Schedule B*).

Of the 84 regulations reported under consideration, 3 are determined to be "major" by agency heads and will therefore require preparation of

regulatory impact analyses. Sixty-three are considered not major. A total of 5 regulations will significantly impact small entities. Regulatory flexibility analyses will be prepared for these proposals. In addition, Department units will undertake economic analyses of 14 regulations listed in the Agenda even though these are not major actions. In these instances, the agency involved has determined that such an analysis will benefit the development of cost effective regulations.

The importance of 18 regulations has not been determined. In these instances, the regulations under consideration will not reach the notice of proposed rulemaking stage within the next 6 months.

A large number of the regulations presented in the Agenda deal with fishery management programs under NOAA's National Marine Fisheries Service (NMFS). To avoid repetition of programs and definitions, as well as to provide some understanding of the technical and institutional elements of the NMFS's programs, a section on "Explanation of Information Contained in NMFS's Regulatory Entries" is provided below.

Explanation of Information Contained in NMFS's Regulatory Entries

The Fishery Conservation and Management Act of 1976 (the Act), 16 U.S.C. 1801 et. seq., requires that a preliminary fishery management plan (PMP) be prepared for all fisheries within a fishery conservation zone (FCZ) fished in by foreign fishing nations. The FCZ refers to those waters from the outer edge of the United States territorial sea to a distance of 200 miles. Fishery management plans (FMPs) are to be prepared if those fisheries require conservation and management measures. Although PMPs apply only to foreign fishing, the FMPs regulate both foreign and domestic fishing. When promulgated, the FMPs supersede the PMPs. Under the Act, eight Regional Fishery Management Councils (Councils) prepare FMPs for fisheries within their respective areas.

The Act requires that certain standards be met in regulated fisheries.

Among the factors, the optimum yield of the fisheries is to be specified. This entails the development of appropriate regimes to ensure sound management of involved stocks while taking into account relevant biological, social, and economic factors. Domestic fishermen are given a preferred status by the Act. However, for those fisheries in which are optimum yield is greater than the domestic harvest, foreign nations are permitted to fish, provided certain conditions are met. For each fishery, the total allowable level of foreign fishing (TALFF) is determined. The TALFF is allocated among foreign nations by the Secretary of State. Governing International Fishery Agreements are executed between the United States and nations desiring to fish. Allocations are based on standards such as historic fishing rights and reciprocal fishing privileges. Also, vessels of foreign nations are to apply for and receive permits to fish in the FCZ.

Classes of domestic fishermen may be allocated shares of the harvest in fisheries regulated under FMPs. Such allocations are not to be discriminatory and must relate to the conservation and management of the fishery. There can be allocations between the commercial and recreational sectors of the fishery.

In the allocation of fish stocks, fish caught as a result of directed effort (target catch), and fish caught incidentally (incidental catch), are taken into account. Various management tools are used to regulate fisheries. These include limitations based on certain types of gear (e.g., bottom trawls, longlines), seasons, and the necessity of opening or closing areas to fishing based upon gear conflicts, conditions of the stocks, or other factors.

The initiation of FMPs is the responsibility of the eight Councils. Guidelines for the development of the FMPs are published in the *Federal Register*. In the development of such plans (and regulations), the Councils are required by law to conduct public hearings on the draft plans and to consider the use of alternative means of regulating.

The Council process for developing FMPs makes it difficult for the NMFS to

determine the significance of some regulatory actions under consideration at the time the semiannual regulatory Agenda is published. Frequently, the NMFS does not have specific plan objectives or alternatives for management since the Councils have neither approved nor submitted plans to the Secretary of Commerce for review, adoption and implementation.

Public Participation Summary

Supervision: The Consumer Affairs Office, in conjunction with the Office of Regulatory Policy, coordinates consumer participation responsibilities throughout the Department. The Consumer Affairs Office and consumer contact persons in the operating units are responsible for assuring that timely and meaningful consumer participation occurs throughout the development and review of the Department's rules, policies and programs.

Participation Mechanisms: Notices of proposed and final rules, programs, and policies will appear in the *Federal Register*. Quarterly notices of forthcoming rulemaking activities are disseminated to consumer representatives and consumer media by the Consumer Affairs Office, and to other constituents. Informal meetings and briefings will be arranged between Commerce officials and consumer leaders to discuss emerging or ongoing problems and issues, as well as policy and program developments.

Technical Assistance: The operating units, with advice from the Consumer Affairs Office, will determine staff responsibilities, assistance procedures and types of technical assistance for consumers.

Contact Person: Lee L. Gray, Director of Consumer Affairs, U.S. Department of Commerce, Washington, D.C. 20230; Telephone: (202) 377-5001.

Malcolm Baldrige,
Secretary of Commerce.

BILLING CODE 3510-BT-M

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Department Unit		Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis		Regulatory Flexibility Analysis		Anticipated Date of Regulatory Action (A = ANPRM, N = NPRM, I = Interim, F = Final)* 1981 1982													
Department	Unit			Yes	No	Unknown	Yes	No	Unknown	A	M	J	J	A	S	O	N	D	I	F	M
ADMIN		Section 504 of Rehabilitation Act of 1973	Arthur E. Cizek Ofc. of Civil Rights (202) 377-4993	X					X												
ADMIN		Age Discrimination Act of 1975 (As Amended)	Arthur E. Cizek Ofc. of Civil Rights (202) 377-4993	X					X												
ADMIN		Public Information, Freedom of Information (15 CFR Subtitle A-Part 4)	Marilyn S. McLennan Ofc. of Organization & Mgmt. Systems (202) 377-4217	X					X												
ADMIN		Public Information, Freedom of Information (15 CFR Subtitle A-Part 4 -- Privacy Act, 15 CFR Subtitle A-Part 4b)	Marilyn S. McLennan Ofc. of Organization & Mgmt. Systems (202) 377-4217	X					X												
ITA		Energy Regulation 1: Allocation Regulations (Old 32A CFR Part 671)	Iain S. Baird Ofc. of Industrial Mobilization (202) 377-2233	X					X												
MA2AD		Requirements and Procedures for the Administration of Condition Surveys and Maintenance and Repair Subsidy (46 CFR Part 272)	John J. Davis Div. of Ship Mgmt. (202) 377-3640	X					X												
MA2AD		Construction-Differential Subsidy (CDS) Repayment: Total Repayment Policy and Procedure (46 CFR Part 276)	William B. Ebersold Ofc. of Trade Studies & Statistics (202) 377-4791	X					X												
MA2AD		Documentation Transfer or Charter of Vessels (46 CFR Part 221)	Virginia O'Brien Div. of Ship Mgmt. (202) 377-3213	X					X												
MA2AD		Construction-Differential Subsidy (CDS) Requirements for Aid (46 CFR Part 251) - Entire Part	James E. Saari Ofc. of Gen. Counsel (202) 377-2771	X					X												
MA2AD		Cargo Preference-U.S. Flag Vessels - Determination of Fair and Reasonable Rates (46 CFR 381.8, 381.9, and New Part 382)	Frederick R. Larson Ofc. of Ship Operating Costs (202) 377-5532	X					X												

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			Yes	No	Unknown	Yes	No	Unknown	Yes	No	Unknown	Yes	No	Unknown	Yes	No	Unknown	Yes
MARAD	Merchant Marine Training (46 CFR Part 310)	Kathleen A. Shetler Off. of Maritime Labor & Training (202) 377-5653	X															
MARAD	Award and Administration of Operating-Differential Subsidy (ODS) for Dry Bulk Cargo Vessels (46 CFR Part 254)	Frederick R. Larson Off. of Ship Operating Costs (202) 377-5532	X															
MARAD	Construction-Differential Subsidy (ODS) Standard Contracts (46 CFR Part 251)	Melvin S. Eck Off. of Gen. Counsel (202) 377-2771	X															
MARAD	Requirements for Establishing United States Citizenship (46 CFR Part 355)	Doris Lansberry Off. of Gen. Counsel (202) 377-2506	X															
MARAD	Federal Tax Aspects of the Capital Construction Fund (46 CFR Part 391)	E. A. Utridige Off. of Subsidy Contracts (202) 377-3797	X															
MARAD	Rules of Practice and Procedure: Procedure for Hearing on Operating-Differential Subsidy (ODS) Applications; Applications for Subsidies and Other Direct Financial Aid (46 CFR Parts 201, 208 (New), and 251)	Robert J. Patton, Jr. Secretary, Maritime Subsidy Board (202) 377-2056	X															
MARAD	Cargo Preference - Geographical Allocation of Preference Cargoes (46 CFR Part 381)	Robert J. Patton, Jr. Secretary, Maritime Subsidy Board (202) 377-2056	X															
MARAD	National Shipping Authority (NSA) (46 CFR Parts 315-319; 345-347)	Burton T. Kyle Off. of Ship Operations (202) 377-3640	X															
MARAD	Uniform System of Accounts for Maritime Carriers (46 CFR Part 282)	Earl L. Loe Off. of Financial Management (202) 377-3824	X															

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Department Unit	Title of Regulation Under Consideration	Contact Person	Impact Analysis		Flexibility Analysis		1981														
			Yes	No	Unknown	Yes	No	Unknown	A	M	J	J	A	S	O	N	D	J	F	N	A
MEPA	Financial Assistance Awards	John Smith Off. of Gen. Counsel (202) 377-4939	X			X															
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP) - Amendment No. 2	Allen E. Peterson, Jr. Northeast Region (617) 281-3600	X			X															
NOAA/NMFS	Extension of Commercial/Recreational Salmon off California, Oregon and Washington Fishery Management Plan (FMP) (50 CFR Part 661) (Fishing Year 1981)	Herbert Larkins Northwest Region (206) 442-7575	X			X															
NOAA/NMFS	Designation of Critical Habitat for the Hawaiian Monk Seal (50 CFR Part 22)	Alan W. Ford Southwest Region (213) 548-2575	X			X															
NOAA/NMFS	Regulation Declaring Restricted Fishing Areas (Port Canaveral and Other Areas) (50 CFR Part 227)	Richard B. Roe Off. of Marine Mammals & Endangered Species (202) 634-7461	X			X															
NOAA/NMFS	Fish and Wildlife Coordination Act, Uniform Procedures for Compliance	Robert E. Smith Off. of Habitat Protection (202) 634-7490	X			X															
NOAA/NMFS	Precious Coral Fishery Management Plan (FMP) - Western Pacific	Alan W. Ford Southwest Region (213) 548-2575	X			X															
NOAA/NMFS	Reef Fish Resources of the Gulf of Mexico Fishery Management Plan (FMP)	Harold B. Allen Southeast Region (813) 893-3141	X			X															
NOAA/NMFS	Fishery Management Plan (FMP) for the Spiny Lobster Fishery in Puerto Rico and the Virgin Islands	Harold B. Allen Southeast Region (813) 893-3141	X			X															
NOAA/NMFS	Coastal Migratory Pelagic Fishery Management Plan (FMP)	Harold B. Allen Southeast Region (813) 893-3141	X			X															

1/ A brief Economic Analysis of the regulation will be performed even though the regulation may not be a "major" action under E.O. 12291.

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Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis Yes No Unknown	Regulatory Flexibility Yes No Unknown																																																																																																																																																																																																																																																																																																															
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Regulatory
Impact
Analysis
Yes No Unknown

Regulatory
Flexibility
Analysis
Yes No Unknown

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Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis Yes No Unknown	Regulatory Flexibility Analysis Yes No Unknown	Anticipated Date of Regulatory Action (A = ANPRM, N = NPRM, I = Interim, F = Final)*
NOAA/NMFS	Surf Clam and Ocean Quahog Fishery Management Plan (FMP) (Amendment No. 3)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600	X	X	1981 A M J J A S O N D J F M A
NOAA/NMFS	Regulations for the U.S. Sockeye and Pink Salmon Fisheries under the Fraser River Fishery Convention	Herbert Larkins Northwest Region (206) 442-7575	X	X	1981 A M J J A S O N D J F M A
NOAA/NMFS	Guidelines for Development of Fishery Management Plan's (FMP's) (50 CFR 602.2) National Standards	William G. Gordon Off. of Resource Conservation & Mgmt. (202) 634-7218	X	X	1981 A M J J A S O N D J F M A
NOAA/NMFS	Determination of Critical Habitat for Endangered and Threatened Species of Sea Turtles in Mosquito Lagoon, Florida (50 CFR Part 226)	Richard B. Roe Off. of Marine Mammals & Endangered Species (202) 634-7461	X	X	1981 A M J J A S O N D J F M A
NOAA/NMFS	Scientific Research and Public Display Permit Regulations (Proposed 50 CFR Part 223)	R. B. Brunsted Off. of Marine Mammals & Endangered Species (202) 634-7529	X	X	1981 A M J J A S O N D J F M A
NOAA/NMFS	Trawl Fisheries of Washington, Oregon, and California Preliminary Fishery Management Plan (FMP) (Fishing Year 1981)	Herbert Larkins Northwest Region (206) 442-7575	X	X	1981 A M J J A S O N D J F M A
NOAA/NMFS	Amendment to 50 CFR Part 251 (Financial Aid Program Procedures)	Michael L. Grable Financial Svcs. Div. (202) 634-7496	X	X	1981 A M J J A S O N D J F M A
NOAA/NMFS	Atlantic Mackerel Fishery Management Plan (FMP) (Amendment No. 2)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600	X	X	1981 A M J J A S O N D J F M A
NOAA/NMFS	Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) (Amendment No. 6)	Robert W. McVey Alaska Region (907) 586-7221	X	X	1981 A M J J A S O N D J F M A

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Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis		Regulatory Flexibility Analysis		1981												1982											
			Yes	No	Unknown	Yes	No	Unknown	A	M	J	J	A	S	O	N	D	J	P	M	A	A	A	A	A	A	A	A	A	A
NOAA/NMFS	Amendment to 50 CFR 258 (Fishermen's Protective Act)	Kathryn E. Hensley Financial Svcs. Div. (202) 634-4688	X			X			N																					
NOAA/NMFS	Amendment to 50 CFR Part 259.31 (Interim Fishing Vessel Capital Construction Fund Procedures)	Lee F. Bowersox Financial Svcs. Div. (202) 634-7496		X		X																								
NOAA/NMFS	Fishing Vessel Obligation Guarantee Program Procedures (50 CFR Part 255)	James D. Meehan Financial Svcs. Div. (202) 634-7496		X		X																								
NOAA/NMFS	Fishery Conservation and Management: Confidentiality of Statistics (50 CFR Part 603)	B. G. Thompson Resource Statistics Division (202) 634-7415		X		X																								
NOAA/NMFS	Sea Scallops Fishery Management Plan (FMP)	Allen E. Peterson, Jr. Northeast Region (617) 281-3600		X		X																								
NOAA/OCM	Federal Consistency with Approved Coastal Management Programs	Jane P. Rogers Policy, Evaluation, & External Relations (202) 634-4245		X		X																								
NOAA/OCM	Implementation of the Coastal Zone Management Improvement Act of 1980	Jane P. Rogers Policy, Evaluation, & External Relations (202) 634-4245		X		X																								
NOAA/OCM	Regulations for Proposed Looe Key Marine Sanctuary	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236		X		X																								
NOAA/OCM	Estuarine Sanctuary Regulations	James W. McFarland Sanctuary Programs Ofc. (202) 634-4236		X		X																								

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Department Unit	Title of Regulation Under Consideration	Contact Person	Regulatory Impact Analysis		Regulatory Flexibility Analysis		Anticipated Date of Regulatory Action											
			Yes	No	Unknown	Yes	No	Unknown	Unknown	1981	1982	1983	1984	1985	1986	1987	1988	1989
NOAA/OCM	Final Regulations for Key Largo Coral Reef National Marine Sanctuary	Nancy Foster Sanctuary Programs Offc. (202) 634-4236	X							X								
NOAA/OCM	Regulations for Proposed Flower Garden Banks National Marine Sanctuary	Nancy Foster Sanctuary Programs Offc. (202) 634-4236		X														
NOAA/OCM	Regulations for Proposed St. Thomas National Marine Sanctuary St. Thomas, Virgin Islands	Nancy Foster Sanctuary Programs Offc. (202) 634-4236	X															
NOAA/OME	Ocean Thermal Energy Conversion (OTEC) Regulations (15 CFR Part 1001)	Lowell Martin & Rich Worling Offc. of Ocean Minerals & Energy (202) 254-3483																
NOAA/OME	Deep Seabed Mining Regulations for Exploration Licenses (15 CFR Part 970, Subparts A-K)	James P. Lawless Offc. of Ocean Minerals & Energy (202) 653-8257		X														
OCZ/BEA	Direct Investment Surveys (15 CFR Part 806)	Lester G. Welch, Jr. Mgmt. Svcs. Div. (202) 523-0505	X															
OCZ/CENSUS	Foreign Trade Statistics (15 CFR Part 30)	Emerson Jones Foreign Trade Div. (301) 763-7982	X															
PTI/PTO	Patent Interference Proceedings (37 CFR 1.225, 1.231, 1.253, 1.254, 1.258 and 1.288)	Ian A. Calvert Chairman, Board of Patent Interferences (703) 557-3625	X															
PTI/PTO	Correction of Inventorship (37 CFR 1.45, 1.48 and 1.324 and 1.426)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X															

* A = Advanced Notice of Proposed Rulemaking; N = Notice of Proposed Rulemaking; I = Interim Rule; F = Final Rule.

SCHEDULE A - DOC SEMIANNUAL AGENDA OF PENDING REGULATIONS

Page 9 of 10
Anticipated Date of Regulatory Action
(A = ANPRM, N = NPRM, I = Interim, F = Final)*

Department Unit	Title of Regulation Under Consideration	Contact Person	Impact Analysis			Flexibility Analysis			Anticipated Date of Regulatory Action															
			Yes	No	Unknown	Yes	No	Unknown	A	M	J	J	A	S	O	N	D	J	F	M	A			
PTI/PTO	File Wrapper Continuing Application Procedure (37 CFR 1.62 and 1.138)	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X					X																
PTI/PTO	Advertising Permitted by Practitioners (37 CFR 1.344, 1.345, 2.13 and 2.14) (Previously cited as "Professional Conduct of and Advertising By Persons Registered to Practice Before the PTO")	Barry L. Moatz Ofc. of Commissioner of Patents & Trademarks (703) 557-2238	X					X																
PTI/PTO	Continuation-In-Part Application Oath or Declaration (37 CFR 1.65, 3.18 and 3.18(a))	Louis O. Maassel Editor, Manual of Patent Examining Procedure (703) 557-3070	X					X																
PTI/PTO	Requests for Identifiable Records (37 CFR 1.15)	John W. Dewhirst Ofc. of Commissioner of Patents & Trademarks (703) 557-3542	X					X																
PTI/PTO	Secrecy of Certain Inventions and Licenses to File Applications in Foreign Countries (37 CFR Part 5)	S. W. Engle Special Laws Admin. Group (703) 557-2897	X					X																
PTI/PTO	Ex Parte Prosecution of Trademark Applications, Inter Partes Proceedings Before the Trademark Trial and Appeal Board, Petitions to the Commissioner and Post-Registration Requirements (37 CFR 2.20, 2.27, 2.63, 2.65, 2.81, 2.88, 2.94-2.135, 2.142, 2.146, 2.165, 2.173, 2.184, and 2.186)	David J. Kerra Member, Trademark Trial & Appeal Board (703) 557-3551	X					X																

* * A = Advanced Notice of Proposed Rulemaking; N = Notice of Proposed Rulemaking; I = Interim Rule; F = Final Rule.

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

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TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTRACT PERSON AND TELEPHONE NUMBER
Non-Discrimination in Federally-Assisted Programs of the DOC - Implementation of Title VI of the Civil Rights Act of 1964 (15 CFR Part 8) DAO 217-6, Operation of Vending Stands	ADMIN	42 U.S.C. 2000-1	Under Review	Winter 1981	Arthur E. Cizek Ofc. of Civil Rights (202) 377-4993
Instruments and Apparatus for Educational and Scientific Institutions (15 CFR Part 301)	ADMIN	40 Stat. 1559	March 1981	May 1981	Tony Stadeler Ofc. of Admin. Svcs. (202) 377-4501
Defense Materials System and Defense Priorities System (15 CFR Parts 330-32, 340-43, and 350-54)	ITA	19 U.S.C. 1202	Under Review	Fall 1981	Frank Greel Statutory Import Programs Staff (202) 377-1660
Effects of Imported Articles on the National Security (15 CFR Part 359)	ITA	50 U.S.C. App. 2061 et. seq., Executive Order 10480	Under Review	Spring 1981	Iain S. Baird Ofc. of Industrial Mobilization (202) 377-2233
General Regulations Governing Foreign-Trade Zones in the United States, with Rules of Procedure (15 CFR Part 400)	ITA	19 U.S.C. 1862	Under Review	Spring 1981	John A. Richards Ofc. of Industrial Mobilization (202) 377-3695
Antidumping Duties and Countervailing Duties (19 CFR Parts 353 and 355)	ITA	Reorganization Plan No. 3 (1979) Executive Order 12188	Under Review	Summer 1981	B. Waring Partridge, III Ofc. of Import Admin. (202) 377-1782
Values for War Risk Insurance (46 CFR Part 309)	ITA	19 U.S.C. 81a-81u	Under Review	Fall 1981	B. Waring Partridge, III Ofc. of Import Admin. (202) 377-1782
Operation-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Carrying Grain to the U.S.S.R. (46 CFR Part 294) - Entire Part	ITA	5 U.S.C. 301, P.L. 96-39	Under Review	Summer 1981	B. Waring Partridge, III Ofc. of Import Admin. (202) 377-1782
Limitations on the Award of Operating-Differential Subsidy (ODS) for Liner Operators (46 CFR Part 280) - Entire Part	WASAD	46 U.S.C. 1114(b)	Under Review	April 1981	Jack Malkin Ofc. of Marine Insurance (202) 377-4820
Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels in the United States Foreign Commerce on the Great Lakes, Connecting Rivers, St. Lawrence River and Gulf of St. Lawrence (46 CFR Part 279) - Entire Part	WASAD	46 U.S.C. 1114(b)	Under Review	October 1981	Frederick R. Larson Ofc. of Ship Operating Costs (202) 377-5532
	WASAD	46 U.S.C. 1114(b)	Under Review	April 1981	E. A. Uttridge Ofc. of Subsidy Contracts (202) 377-3797
	WASAD	46 U.S.C. 1114(b)	Under Review	October 1981	Frederick R. Larson Ofc. of Ship Operating Costs (202) 377-3797

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

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TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Marine Mammals: Pribilof Islands (50 CFR Part 215, Subparts A and C)	NOAA/NMFS	P.L. 89-702 80 Stat. 1091 16 U.S.C. 1151-1187	Summer 1981*	Fall 1981	Georgia Cramore, Ofc. of Marine Mammals & Endangered Species (202) 634-1792 and Walter Kirkness, Northwest Region (206) 442-7777
Marine Mammals: Pribilof Islands Public Display of Living Fur Seals (50 CFR Part 215, Subpart B)	NOAA/NMFS	P.L. 89-702 80 Stat. 1091 16 U.S.C. 1151-1187	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Introductions and Prohibitions (50 CFR Part 216, Subparts A and B)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407	Summer 1981	Fall 1981	Gary Barone Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Penalties and Procedures for Their Assessment (50 CFR Part 216, Subpart F)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407	Under Review	September 1981	Stephen J. Powell Ofc. of the General Counsel (202) 254-8350
Regulations Governing the Taking and Importing of Marine Mammals: Notice and Hearing on Section 103 Regulations (50 CFR Part 216, Subpart G)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Not Determined	Ronald Naveen Ofc. of the General Counsel (202) 634-4224
Regulations Governing the Taking and Importing of Marine Mammals: Approval and Review of State Laws and Regulations (50 CFR Part 216, Subpart H)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407-8 86 Stat. 1027	Summer 1981	Not Determined	Georgia Cramore, Ofc. of Marine Mammals & Endangered Species (202) 634-1792 and Ronald Naveen, Ofc. of the General Counsel (202) 634-4224
Regulations Governing the Taking and Importing of Marine Mammals: Taking by State and Local Government Officials (50 CFR 216.22)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Under Review	September 1981	Thomas McIntyre Ofc. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Native Exceptions (50 CFR 216.23)	NOAA/NMFS	P.L. 92-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Georgia Cramore Ofc. of Marine Mammals & Endangered Species (202) 634-1792

*Regulatory Flexibility Analysis required.

SCHEDULE B. REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY OF REVIEW	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Regulations Governing the Taking and Importing of Marine Mammals: Excepted Marine Mammals and Marine Mammal Products (50 CFR 216.25)	NOAA/NMFS	P.L. 95-522 16 U.S.C. 1361-1407 86 Stat. 1027	January 1981	September 1981	Thomas McIntyre Off. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Collection of Certain Marine Mammal Parts (50 CFR 216.26)	NOAA/NMFS	P.L. 95-522 16 U.S.C. 1361-1407 86 Stat. 1027	January 1981	December 1981	Thomas McIntyre Off. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Scientific Research Permits and Public Display Permits (50 CFR 216.31)	NOAA/NMFS	P.L. 95-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Procedures for Issuance of Permits and Modifications, Suspension, or Revocation Thereof (50 CFR 216.33)	NOAA/NMFS	P.L. 95-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Possession of Permits (50 CFR 216.34)	NOAA/NMFS	P.L. 95-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Regulations Governing the Taking and Importing of Marine Mammals: Importation at Designated Ports (50 CFR 216.40)	NOAA/NMFS	P.L. 95-522 16 U.S.C. 1361-1407 86 Stat. 1027	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Endangered Species: General Provisions (50 CFR Part 217)	NOAA/NMFS	P.L. 93-205 87 Stat. 884 88 Stat. 905	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Endangered Species: General Permit Procedures (50 CFR Part 220, Subparts A, B, C, and D)	NOAA/NMFS	P.L. 93-205 87 Stat. 884	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Atlantic Mackerel Fishery Management Plan (FMP)	NOAA/NMFS	16 U.S.C. 1801 et seq.	Under Review	June 1981	Allen E. Peterson Jr. Northeast Region (617) 281-3600
Extension of Commercial/Recreational Salmon off California, Oregon, and Washington Fishery Management Plan (FMP) (Fishing Year 1981)	NOAA/NMFS	16 U.S.C. 1801 et seq.	Under Review	June 1981	Herbert Larkins Northwest Region (206) 442-7575

1/ A Regulatory Impact Analysis of the regulation will be performed even though the regulation may not be a "major" action under E.O. 12291.

SCHEDULE: B REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

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TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Endangered Species: Permits Involving Endangered or Threatened Sea Turtles (50 CFR Part 220, Subpart E)	NOAA/NMFS	P.L. 93-205 87 Stat. 884	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Endangered Species: Importation and Exportation at Designated Ports (50 CFR Part 221)	NOAA/NMFS	P.L. 93-205 87 Stat. 884	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Marine Mammals: Federal/State Cooperation in the Conservation of Endangered and Threatened Species (50 CFR Part 225)	NOAA/NMFS	P.L. 93-205 87 Stat. 884 16 U.S.C. 1531-1543	Not Determined	Not Determined	Charles Karnella Off. of Marine Mammals & Endangered Species (202) 634-7471
Threatened Fish and Wildlife (50 CFR Part 227)	NOAA/NMFS	P.L. 93-205 16 U.S.C. 1531 et seq.	Summer 1981	Fall 1981	Gary Barone Off. of Marine Mammals & Endangered Species (202) 634-7529
Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: U.S. Standards for Grade of Fish Steaks (50 CFR Part 262)	NOAA/NMFS	7 U.S.C. 1621-1630	Summer 1981	Winter 1981-82	James R. Brooker Seafood Quality & Inspection Division (202) 634-7458
U.S. Standards for Grades of Fried Fish Sticks and Fried Fish Portions (50 CFR Part 264, Subpart G)	NOAA/NMFS	7 U.S.C. 1621-1630	Under Review	December 1981	James R. Brooker Seafood Quality & Inspection Division (202) 634-7458
Fishery Marketing Cooperatives: Issuance of Cease and Desist Orders by the Government (50 CFR Part 290)	NOAA/NMFS	15 U.S.C. 522	Under Review	December 1981	Jukka Kolhonen Fishery Development Division (202) 634-7451
Interagency Cooperation - Endangered Species Act of 1973 (50 CFR Part 402) (Joint regulations with the Department of the Interior) (Section 7)	NOAA/NMFS	16 U.S.C. 1531 et seq.	Summer 1981	Not Determined	Charles Karnella Off. of Marine Mammals & Endangered Species (202) 634-7471
U.S. Standards for Grades of Frozen Raw Headless Shrimp (50 CFR Part 265, Subpart A)	NOAA/NMFS	7 U.S.C. 1621-1630	March 1982	Not Determined	James R. Brooker Seafood Quality & Inspection Division (202) 634-7458

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

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TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Fishery Conservation and Management: Civil Procedures (Magnuson Fishery Conservation and Management Act) (50 CFR Part 621)	NOAA/NMFS	16 U.S.C. 1801-1861	Under Review: September 1981 Regs. amended 3/24/80—partial attainment of review objectives	September 1981	Stephen J. Powell Ofc. of the General Counsel (202) 254-8350
Regulations for Proposed Point Reyes/Farallon Islands Marine Sanctuary	NOAA/OC2M	16 U.S.C. 1432(f)	Under Review	September 1981	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236
Regulations for Proposed Channel Islands National Marine Sanctuary	NOAA/OC2M	16 U.S.C. 1432(f)	Under Review	September 1981	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236
Coastal Energy Impact Program, Engineering and Construction Guidelines for Applicants	NOAA/OC2M	16 U.S.C. 1461	Not Determined	Not Determined	Bart Chambers Coastal Energy Impact Program Ofc. (202) 634-4128
Coastal Energy Impact Program, Project Assessments and Environmental Impact Statements	NOAA/OC2M	16 U.S.C. 1956, 1966	Not Determined	Not Determined	Eileen Mulaney Coastal Energy Impact Program Ofc. (202) 634-4128
Monitor Marine Sanctuary (15 CFR Part 921)	NOAA/OC2M	16 U.S.C. 1432(f)	June 1981	Not Determined	Nancy Foster Sanctuary Programs Ofc. (202) 634-4236
Coastal Zone Management Program, Development and Approval Provisions (15 CFR 923)	NOAA/OC2M	16 U.S.C. 1456, 1466	Not Determined	Not Determined	Jane Rogers Policy & External Relations (202) 634-4245
Public Telecommunications Facilities Program	NTIA	47 U.S.C. 390	October 1981	April 1982	Robert M. Hunter Ofc. of Chief Counsel (202) 377-1866
Rules of Practice in Patent Cases (37 CFR Part 1)	PTI/PTO	35 U.S.C. 6	January 1982	June 1982	R. Franklin Burnett Ofc. of Asst. Commissioner for Patents (703) 557-3054
Forms for Patent Cases (37 CFR Part 3)	PTI/PTO	35 U.S.C. 6	January 1982	May 1982	R. Franklin Burnett Ofc. of Asst. Commissioner for Patents (703) 557-3054
Government Inventions Jurisdiction (37 CFR Subchapter B)	PTI/PTO	Executive Order 10096 as amended by Executive Order 10930	January 1982	May 1982	O. A. Neumann Ofc. of Gov't Employee Inventions (703) 557-3539
Register of Government Interests in Patents (37 CFR Part 7)	PTI/PTO	Executive Order 9424	June 1981	October 1981	B. R. Padgett Special Laws Administration Group (703) 557-2037

SCHEDULE B: REGULATIONS SELECTED FOR REVIEW BY DOC DEPARTMENT UNITS

TITLE OF REGULATION	RESPONSIBLE DEPARTMENT UNIT	LEGAL AUTHORITY	PROPOSED DATE FOR START OF REVIEW	TARGET DATE FOR COMPLETION OF REVIEW	CONTACT PERSON AND TELEPHONE NUMBER
Procedures for Enforcing Regulations Relating to the Use of Patent and Trademark Office Records Facilities (Published in Federal Register (43 FR 21345))	PTI/PTO	40 U.S.C. 486(c) 41 CFR 101-20.3	March 1982	May 1982	Bradford R. Buther Ofc. of Commissioner for Administration (703) 557-2290
Procedural Regulation Setting Forth the Criteria for Applications for Federal Recognition of International Expositions (15 CFR Part 1202)	Ofc. of Asst. Secy. for Trade Development (transferred from Ofc. of Assoc. Dep. Secy.)	22 U.S.C. 1801	Unknown	Unknown	Lyle Ryter Dep. Asst. Secy. for Trade Development (202) 377-1461

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA^{1/}

Department Unit	Title of Regulation	Prior Agenda Listing ^{2/}	Reasons for Deletion from Agenda
ADMIN	Procedure for Handling and Settlement of Claims under the Federal Tort Claims Act	UR	Review completed. No changes necessary at this time.
EDA	Miscellaneous Amendments Regarding the Administration of Programs (13 CFR 302.41(f), 303.4-1(d)(3), 305.5(f), 305.8, 305.95, 309.4, 309.28)	UC	Published in final on January 28, 1981 (46 FR 9025).
EDA	Environmental Requirements (13 CFR 309.18)	UC	Published in final on November 13, 1980 (45 FR 74902).
EDA	Hospitals, Nursing Homes and Convalescent Care Facilities (13 CFR 305.42)	UC	Published in interim on January 5, 1981 (46 FR 859); publication in final postponed pending further review.
ITA	Foreign Excess Property Regulations (15 CFR Part 302)	UR	Review completed. No changes anticipated at this time.
ITA	China Trade Act Corporations (15 CFR Part 363)	UR	Removed from CFR on December 22, 1980 (45 FR 84020).
ITA	Export Administration Regulations (15 CFR Parts 368 and 370-399)	UR	Resources needed to perform this review are not available at this time. Review will be scheduled at a later date.
MARAD	Payments of Capital Reserve Fund (46 CFR Part 255)	UR	Revoked. Published in the Fed. Reg. on January 5, 1981 (46 FR 913).
MARAD	Valuation of Vessels for Determining Capital Employed and Net Earnings Under Operating-Differential Subsidy (ODS) Agreements (46 CFR Part 264)	UR	Revoked. Published in the Fed. Reg. on January 5, 1981 (46 FR 913).

^{1/} Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 76918).^{2/} Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA 1/

Page 2 of 8

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda
MARAD	Operating-Differential Subsidy (ODS) for Bulk Cargo Vessels Engaged in Worldwide Service (46 CFR Part 252 - Entire Part)	UR	Review completed. See Schedule A (46 CFR Now Part 254).
MARAD	National Shipping Authority (NSA) Review of 28 Regulations that were transferred from 32A CFR Chapter XVIII to 46 CFR Chapter II (Parts 315-339 and 345-347)	UR	Review completed. See Schedule A.
MARAD	Establishment of Construction Reserve Funds (46 CFR Part 287)	UR	Review completed.
MARAD	Operating-Differential Subsidy (ODS) Rates for Liner Vessels - New Part (Procedure Now Published in a Manual; Will be Revised and put in Regulatory Form)	UR	Review completed.
MARAD	Capital Construction Fund (46 CFR Part 390)	UR	Review completed.
NOAA/NMFS	Pacific Billfish and Oceanic Sharks Fishery Management Plan (FMP) (Western Pacific)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Caribbean Shallow Water Reef Fish Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Fishery Management Plan (FMP) for Sharks and Other Elasmobranchs	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Pink Shrimp off Washington, Oregon, and California Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).

2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMI-ANNUAL AGENDA^{1/}

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Department Unit	Title of Regulation	Prior Agenda Listing ^{2/}	Reason for Deletion from Agenda
NOAA/NMFS	Atlantic Squid Fishery Management Plan (FMP) (Amendment No. 2)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Bluefish Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Alaska King Crab Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Bering Sea-Chukchi Sea Herring Fishery Management Plan (FMP)	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Amendments of U.S. Yellowfin Tuna Regulations for the Atlantic Ocean	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Amendments to U.S. Yellowfin Tuna Regulations for the Pacific Ocean	UC	Regulatory action will be rescheduled at a later date. Plans for development of this proposal are too tentative at this time for inclusion in Agenda.
NOAA/NMFS	Pacific Billfish and Oceanic Sharks Preliminary Fishery Management Plan (FMP)	UC	Published in Fed. Reg. in final on January 7, 1981 (46 FR 1738).
NOAA/NMFS	Atlantic Mackerel Fishery Management Plan (FMP) (Amendment No. 1)	UC	Published in Fed. Reg. in final on November 30, 1980 (45 FR 77445).

^{1/} Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).^{2/} Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA^{1/}

Page 4 of 8

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda
NOAA/NMFS	Trawl and Herring Gillnet Fishing in the Eastern Bering Sea Preliminary Fishery Management Plan (FMP)	DC	Published in Fed. Reg. in final on January 8, 1981 (46 FR 2081).
NOAA/NMFS	Foreign Trawl Fisheries of Northwestern Atlantic Preliminary Fishery Management Plan (FMP) - Extension for 1981 Fishery	DC	Published in Fed. Reg. in final on January 7, 1981 (46 FR 1738).
NOAA/NMFS	Take Preliminary Fishery Management Plan (FMP) - Extension for 1981 Fishery	DC	Published in Fed. Reg. in final on January 7, 1981 (46 FR 1738).
NOAA/NMFS	Bering Sea Smelt Preliminary Fishery Management Plan (FMP) Regulations	DC	Published in Fed. Reg. in final on January 7, 1981 (46 FR 1738).
NOAA/NMFS	Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) (Amendment No. 5)	DC	Published in Fed. Reg. in final on November 3, 1980 (45 FR 72667).
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP) (Amendment No. 1)	DC	Published in Fed. Reg. in final on October 28, 1980 (45 FR 71357).
NOAA/NMFS	Atlantic Butterfish Fishery Management Plan (FMP)	DC	Published in Fed. Reg. in final on October 28, 1980 (45 FR 71357).
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals, Taking and Related Acts Incidental to Commercial Fishing Operations (50 CFR 216.24(b)(i)(iii)(iv) and (v))	UR	Published in Fed. Reg. in final on December 10, 1980 (45 FR 91244).
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals, Taking and Related Acts Incidental to Commercial Fishing Operations (50 CFR 216.24(b)(i)(iii)(iv) and (v))	UR	Published in Fed. Reg. in final on October 31, 1980 (45 FR 72187).

^{1/} Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).^{2/} Listed in prior Agenda(s) as regulation under consideration (DC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA^{1/}

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Department Unit	Title of Regulation	Prior Agenda Listing ^{2/}	Reason for Deletion from Agenda
NOAA/NMFS	Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: U.S. Standards for Grades of Whole or Dressed Fish (50 CFR Part 261)	UR	Review completed with no changes made in the permissive regulations.
NOAA/NMFS	Processed Fishery Products, Processed Products Thereof, and Certain Other Processed Food Products: Inspection and Certification (50 CFR Part 260)	UR	Regulations revised to increase hourly rate for inspection fees. Published in Fed. Reg. on February 20, 1981 (46 FR 13220).
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals: Actions Permitted by International Treaty, Convention, or Agreement (50 CFR 216.21)	UR	Review completed; no action contemplated.
NOAA/NMFS	Regulations Governing the Taking and Importing of Marine Mammals: Waivers of the Moratorium (50 CFR 216.32)	UR	Section was deleted from the CFR in September 1980.
NOAA/NMFS	Fishery Conservation and Management: Confidentiality of Statistics (50 CFR Part 603)	UR	Review completed. Existing interim regulation will be finalized to incorporate changes necessary to operations and to incorporate comments received from the public. See Schedule A.
NOAA/NMFS	Aid to Fisheries: Fishing Vessel Obligation Guarantee Program Procedures (50 CFR Part 255)	UR	Review completed. The Program will be extended. See Schedule A.
NOAA/NMFS	Aid to Fisheries: Control or Elimination of Jellyfish (50 CFR Part 254)	UR	Last year for authorization was 1977. Regulations are no longer in effect.
NOAA/NMFS	Aid to Fisheries: Commercial Fisheries Research and Development (50 CFR Part 253)	UR	Review completed. No action contemplated.
NOAA/NMFS	Anadromous Fisheries Conservation, Development, and Enhancement (50 CFR Part 401) (Joint regulations with the Department of the Interior)	UR	Review completed. No action contemplated in the near future.

^{1/} Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).^{2/} Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA^{1/}

Page 6 of 8

Department Unit	Title of Regulation	Prior Agenda Listing ^{2/}	Reason for Deletion from Agenda
NOAA/NMFS	Seamount Groundfish Preliminary Fishery Management Plan (FMP)	UC	Published in Fed. Reg. in final on January 23, 1981 (46 FR 7386). Effective April 30, 1981.
NOAA/NMFS	Determination of Critical Habitat for Kemp's Ridley and Loggerhead Sea Turtles (50 CFR Part 226)	UC	Published in final January 1980 (45 FR 45905). Inadvertently entered in the 4th Agenda.
NOAA/OCDEM	Coastal Energy Impact Program Regulations (15 CFR Part 931)	UR	Review completed. Regulatory requirements have been incorporated in the proposed regulations on "Implementation of the Coastal Zone Management Improvement Act of 1980." See Schedule A.
NOAA/OCDEM	Regulations for Gray's Reef National Marine Sanctuary	UC	Published as final on January 26, 1981 (46 FR 7942).
NOAA/OCDEM	Regulations for Proposed Monterey Bay Marine Sanctuary	UC	Regulations not proposed. Regulations considered probably unnecessary for this sanctuary.
NOAA/OCDEM	Regulations for Improving the Achievement of Coastal Zone Management Objectives	UC	Review completed. Regulatory requirements have been incorporated in the proposed regulations on "Implementation of the Coastal Zone Management Improvement Act of 1980." See Schedule A.
NOAA/OCDEM	Review of the Performance of Coastal States with Respect to Coastal Management	UC	Review completed. Regulatory requirements have been incorporated in the proposed regulations on "Implementation of the Coastal Zone Management Improvement Act of 1980." See Schedule A.
NOAA/OCDEM	Revision of the Regulations for Allocating Funds under the Coastal Energy Impact Program	UC	Review completed. Regulatory requirements have been incorporated in the proposed regulations on "Implementation of the Coastal Zone Management Improvement Act of 1980." See Schedule A.

^{1/} Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).

^{2/} Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA 1/

Department Unit	Title of Regulation	Prior Agenda Listing 2/	Reason for Deletion from Agenda
NOAA/OCM	Regulations for Proposed Point Reyes/Parallon Islands Marine Sanctuary	UC	Published as final on January 26, 1981 (46 FR 7936). Before becoming effective, the regulations were temporarily suspended in response to President Reagan's memorandum of January 29, 1981 (See 46 FR 14741, March 2, 1981) and amended to suspend for six months the effective date of the prohibition on hydrocarbon activities to allow reconsideration of the impact in response to E.O. 12291. See Schedule B.
NOAA/OCM	Regulations for Proposed Channel Islands National Marine Sanctuary	UC	Published as final on October 2, 1980 (45 FR 65198). Before becoming effective, the regulations were temporarily suspended in response to President Reagan's memorandum of January 29, 1981 (See 46 FR 14741, March 2, 1981) and amended to suspend for six months the effective date of the prohibition on hydrocarbon activities to allow reconsideration of the impact in response to E.O. 12291. See Schedule B.
OCE/BEA	Foreign Direct Investment in the United States Survey (15 CFR 804)	UR	Notice to revoke regulation published in the Fed. Reg. March 16, 1981 (46 FR 16892). Direct Investment Data will be obtained under 15 CFR 806 in the future.
OCE/BEA	Preliminary Survey of International Leasing Transactions in 1975 (15 CFR 805)	UR	Elimination of one-time reporting requirements. Regulation no longer deemed necessary. Notice to revoke regulation published in the Fed. Reg. March 16, 1981 (46 FR 16892).
OSD	Amendments to Rules Covering Regional Action Planning Commissions (13 CFR, Chapter V)	UC	Regulation to be revoked. Department unit to be abolished.
FTI/OFSF	Procedures for Listing and Delisting Voluntary Standards Bodies and Their Standards-Developing Groups	UC	Inadvertently omitted from 4th Agenda. Final procedures issued on December 21, 1980 and published January 6, 1981 (46 FR 1574). Effective date of the regulations has been postponed until April 29, 1981.

1/ Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).

2/ Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

SCHEDULE C - REGULATIONS DELETED FROM PRIOR DOC SEMIANNUAL AGENDA ^{1/}

Department Unit	Title of Regulation	Prior Agenda Listing ^{2/}	Reason for Deletion from Agenda
PTI/PTO	Deposit of Computer Program Listings (37 CFR 1.21, 1.77, and 1.96)	UC	Final rule published in Fed. Reg. January 12, 1981 (46 FR 2611).
PTI/PTO	Compulsory Counterclaims in Trademark Opposition and Cancellation Proceedings (37 CFR 2.106 and 2.114)	DC	Final rule published in Fed. Reg. January 22, 1981 (46 FR 6934).

^{1/} Prior Agenda refers to fourth Agenda which was published on November 26, 1980 (45 FR 78918).^{2/} Listed in prior Agenda(s) as regulation under consideration (UC) or existing regulation under review (UR).

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Appendix

Department Unit: MarAd

Title: Construction-Differential Subsidy (CDS) Repayment: Total repayment policy and procedure (46 CFR Part 276).

(a) *Description and Need:* The Maritime Subsidy Board (Board) published a notice in the *Federal Register* on November 2, 1978, proposing to amend 46 CFR Part 276 to include a new section describing its policy in considering applications for the total repayment of CDS, including terms for repayment. At the time of publication there was pending before the U.S. Court of Appeals for the District of Columbia a decision by the District Court, holding that the Secretary of Commerce has the authority to accept total repayments of CDS in exchange for removal of domestic trade restrictions imposed by section 506 of the Merchant Marine Act, 1936, as amended. The Board issued proposed regulations prior to final disposition of the litigation based upon the request of the parties to promulgate regulation, as suggested by the District Court in its decision. The Board had not proceeded with final rulemaking action, pending final resolution of the issue of the Secretary's authority to accept the total CDS repayment. On February 20, 1980, the Supreme Court ruled that the Secretary had this authority. The Supreme Court reversed the Court of Appeals decision, and remanded the case to the Court of Appeals for further consideration of whether the Secretary could accept a promissory note as repayment.

(b) *Objective:* State policy for the exercise of authority by the Secretary of Commerce to accept total repayment of CDS in return for removal of domestic trade restrictions incident to award of CDS, including determinations of interest on amounts repaid.

(c) *Legal Authority:* Sec. 204(b) Merchant Marine Act, 1936, as amended (46 U.S.C. 1114(b)).

(d) *Importance:*

(i) Major (yes x, no —, unknown —).

(ii) Small Entity Impact (yes —, no x, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form (June 3, 1980; 45 FR 51045).

(ii) In interim form (October 15, 1980; 45 FR 68393).

(iii) In final form (unknown, may delay until final disposition of litigation).

(f) *Tentative Plan for Obtaining Public Comments:* Through publication in proposed form in the *Federal Register* with information released to and published by *Journal of Commerce* and

Congressional Information Bureau (Maritime industry publication).

(g) *Major Issues:* Under what circumstances should the Secretary of Commerce exercise existing authority to accept total repayment of CDS, and what terms of repayment will be equitable, balancing the interests of the CDS vessel owners, competitors whose vessels were built without CDS, and the Government.

(h) *Documents Available to the Public:*

(i) Regulatory Analysis (yes x, no —, unknown —). Anticipated Date of Draft (May 1981).

(ii) Regulatory Flexibility Analysis (yes —, no x, unknown —).

(iii) Other Documents (None).

(i) *Agency Contact:* William B. Ebersold, Director, Office of Trade Studies and Statistics, Maritime Administration, Washington, D.C. 20230, (202) 377-4791.

Department Unit: National Marine Fisheries Service, NOAA

Title: Extension of Commercial/Recreational Salmon Off California, Oregon, and Washington Fishery Management Plan (FMP) (50 CFR Part 661) (Fishing Year 1981)

(a) *Description and Need:* This amendment addresses two fundamental and interrelated problems: conservation of the salmon resource and allocation of the resource among fishery participants.

(b) *Objectives:* The objectives of this amendment are to provide for adequate spawning escapement; allocation to treaty Indian fisheries; allocation among ocean and "inside" sport and commercial fisheries; consideration of interests of non-fishing participants (e.g., processors, marine trades industry); and consideration of the interests of non-fishery related groups (e.g., consumers, taxpayers).

(c) *Legal Authority:* 16 U.S.C. 1801 et seq.

(d) *Importance:*

(i) Major (yes —, no x, unknown —).

(ii) Small Entity Impact (yes x, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposal form: Emergency regulations effective May 1981. See *Federal Register* dated July 31, 1980 (45 FR 50764).

(f) *Tentative Plan for Obtaining Public Comments:* Public hearings were held on the draft amendments to the FMP on February 19, 20, and 21, 1981. Proposed regulations will be published in the *Federal Register* for a 60-day comment period.

(g) *Major Issues:* What management strategy will be chosen by the Pacific

Regional Fishery Management Council to achieve the objectives of the amendment?

(h) *Documents Available to the Public:*

(i) Draft Regulatory Analysis (E.O. 12044). Anticipated Date of Draft: February 1981.

(ii) Regulatory Flexibility Analysis (yes x, no —, unknown —). Anticipated Date of Draft: not determined.

(iii) *Other Documents:* Commercial and Recreational Salmon FMP Amendment, 1979; Commercial and Recreational Salmon FMP, 1978; Commercial and Recreational Salmon Fisheries Off the Coast of Washington, Oregon, and California FMP, 1977; and Commercial and Recreational Salmon FMP Amendment, 1980.

(i) *Agency Contact:* Herbert Larkins, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue, North, Seattle, Washington 98109, (206) 442-7575.

Department Unit: National Marine Fisheries Service, NOAA

Title: High Seas Salmon Fishery Management Plan (FMP)—Amendment No. 2

(a) *Description and Need:* The 1981 amendment is needed to respond to the following problems: excessive effort and harvest in the fishery conservation zone (FCZ) with consequent negative impacts on depressed naturally spawning stocks of southeast Alaskan and Pacific Northwest chinook salmon; and inadequate in-season collection of catch information which hinders the ability to monitor the fishery.

(b) *Objectives:* The objective is to promote conservation of ocean salmon resource, while allowing utilization of these stocks for food production, and to bring regulations in the FCZ into conformity with regulations promulgated by the State of Alaska.

(c) *Legal Authority:* 16 U.S.C. 1801 et seq.

(d) *Importance:*

(i) Major (yes —, no —, unknown x).

(ii) Small Entity Impact (yes x, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposal form: Emergency regulations effective April 1981. See *Federal Register* dated September 8, 1980 (45 FR 59172).

(ii) In final form: July 1981.

(f) *Tentative Plan for Obtaining Public Comments:* Public hearings have been held on the draft amendment. Proposed regulations will be published

in the Federal Register for a 60-day comment period.

(g) *Major Issues:* What management measures are necessary to prevent overfishing, depletion of the stocks, and to equitably allocate salmon among fishing groups?

(h) *Documents Available to the Public:*

(i) Draft Regulatory Analysis (E.O. 12044). Anticipated Date of Draft: February 1981.

(ii) Regulatory Flexibility Analysis (yes x, no —, unknown —). Anticipated Date of Draft: April 1981.

(iii) *Other Documents:* High Seas Salmon Fishery Management Plan.

(i) *Agency Contact:* Robert W. McVey, Regional Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802, (907) 586-7221.

Department Unit: National Marine Fisheries Service, NOAA

Title: Fishery Management Plan (FMP) for the Shrimp Fishery of the Gulf of Mexico

(a) *Description and Need:* The shrimp fishery occurs in the fishery conservation zone in the Gulf of Mexico, as well as in the area of jurisdiction of various Gulf States. Shrimp species within the fishery are brown shrimp, white shrimp, pink shrimp, royal red shrimp, seabobs, and rock shrimp.

The problems in the shrimp fishery includes: conflict among user groups as to area; size at which shrimp are to be harvested; discard of shrimp through the wasteful practice of culling; conflicts with other fisheries, such as the stone crab fishery in southern Florida, the groundfish fishery of the north central Gulf, the reef fish fishery in the Gulf; and the incidental capture of sea turtles.

(b) *Objectives:* The objectives of this FMP are (1) optimize yield from shrimp recruited to the fishery, (2) coordinate development of shrimp management measures by the Gulf Fishery Management Council with shrimp management programs of the several states, and (3) promote consistency with the Endangered Species Act and the Marine Mammal Protection Act.

(c) *Legal Authority:* 16 U.S.C. 1801 et seq.

(d) *Importance:*

(i) Major (yes —, no —, unknown x).

(ii) Small Entity Impact (yes x, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form: November 7, 1980 (45 FR 74178).

(ii) In final form: May 1981.

(f) *Tentative Plan for Obtaining*

Public Comments: Public hearings have

been held. Proposed regulations were published in the Federal Register on November 7, 1980.

(g) *Major Issues:* The major issues in the FMP include: (1) What are the appropriate management measures to reduce user conflicts and lower the quantity of shrimp discarded? (2) What is the appropriate design of the data collection system? (3) What is the appropriate design of the enforcement system? and (4) What management measures are necessary to reduce the incidental catch of sea turtles?

(h) *Documents Available to the Public:*

(i) Draft Regulatory Analysis (E.O. 12044). Anticipated Date of Draft: October 1979.

(ii) Regulatory Flexibility Analysis (Yes x, no —, unknown —). Anticipated Date of Draft: Not determined.

(iii) *Other Documents:* Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico.

(i) *Agency Contact:* Harold B. Allen, Acting Director, Southeast Region, National Marine Fisheries Service, Duval Bldg., 9450 Koger Blvd., St. Petersburg, Florida 33702 (813) 893-3141.

Department Unit: National Marine Fisheries Service, NOAA

Title: Tanner Crab Fishery Management Plan (FMP) Regulations (Alaska) Amendment No. 7

(a) *Description and Need:* Amendment No. 7 would eliminate the 16.5 million pounds of total allowable level of foreign fishing (TALFF) for *C. opilio* tanner crab; reduce the optimum yield (OY) for *C. opilio* in the Bering Sea management area from 130 million pounds to equal domestic allowable harvest (DAH) within a range of 39.5-91.0 million pounds; establish OY's for *C. bairdi* in the Chignik management area at 5.0 million pounds, and in the South Peninsula management areas at 6.0 million pounds; and increase the range of OY for *C. bairdi* in the Bering Sea management area from 22.0-33.0 million pounds to 28.0-36.0 million pounds.

(b) *Objectives:* To increase harvest levels and abundance of *C. bairdi* tanner crab to the full acceptable biological catch (ABC) of *C. opilio* in the Bering Sea by U.S. fishermen.

(c) *Legal Authority:* 16 U.S.C. 1801 et seq.

(d) *Importance:*

(i) Major (yes —, no x, unknown —).

(ii) Small Entity Impact (yes x, no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form: April 1981.

(ii) In final form: June 1981.

(f) *Tentative Plan for Obtaining Public Comments:* Proposed regulations will be published in the Federal Register for public comment. Public hearings have been held by the Regional Fishery Management Council.

(g) *Major Issue:* The major issue is the optimum yield that is consistent with efforts of U.S. fishermen to develop an export market for tanner crab.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis (yes —, no, unknown —).

(ii) Regulatory Flexibility Analysis (yes x, no —, unknown —). Anticipated Date of Draft: Not determined.

(iii) *Other Documents:* Commercial Tanner Crab Fishery Off the Coast of Alaska Fishery Management Plan (FMP).

(i) *Agency Contact:* Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, Alaska 99802 (907) 586-7221.

Department Unit: Office of Ocean Minerals and Energy, NOAA

Title: Ocean Thermal Energy Conversion (OTEC) Regulations (15 CFR Part 1001)

(a) *Description and Need:* The Ocean Thermal Energy Conversion Act of 1980, Pub. L. 96-320 (the "Act") authorizes the Administrator of NOAA to license (and requires persons to obtain licenses prior to) the construction, location, ownership, and operation of:

- OTEC facilities connected to the United States by pipeline or cable;
- OTEC facilities located in the territorial sea of the U.S.;
- OTEC facilities and plantships documented under the laws of the United States; and
- OTEC plantships that are constructed, owned, or operated by U.S. citizens.

The Act requires NOAA to issue regulations with respect to the licensing of these OTEC facilities and plantships, in accordance with the provisions of the Act. NOAA is responsible for enforcing the Act and its implementing regulations.

(b) *Objective:* The regulations will provide for the licensing of OTEC facilities and plantships.

(c) *Legal Authority:* Ocean Thermal Energy Conservation Act of 1980; 42 U.S.C. 9101 et seq.; Pub. L. 96-320; 94 Stat. 974.

(d) *Importance:*

(i) Major (yes x, no —, unknown —).

(ii) Small Entity Impact (yes x,

no —, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form (March 30, 1981—46 FR 19418).

(ii) In final form (August 3, 1981).

(f) *Tentative Plan for Obtaining Public Comments:* NOAA plans additional public hearings to hear views of representatives of affected industries, environmental groups, State and local government officials, and interested citizens. A scoping meeting on the Environmental Impact Statement (EIS) was held on Thursday, October 30, 1980, from 9 to 12 a.m., in room 4830 of the Department of Commerce Building, Washington, D.C. A public hearing was held on the Advance Notice of Proposed Rulemaking on Wednesday, January 7, 1981, from 9 to 12 a.m., in Room 6830 of the Department of Commerce Building, Washington, D.C. At least one public hearing will be held on the draft EIS and the proposed regulations after they are issued. Relevant documents will be sent to all persons who request them, and comments will be invited. Funds for public participation in the rulemaking and EIS process were offered on Friday, October 4, 1980 (45 FR 70475) in accordance with 15 CFR Part 904 (NOAA regulations on public participation). However, no eligible participants applied.

(g) *Major Issues:* The regulations will address matters such as: (1) the type of technical, financial, environmental and other information to be submitted with an application for construction, ownership, or operation of an OTEC facility or plantship; (2) environmental safeguards and monitoring requirements; and (3) methods of, and requirements for, avoiding undue interference with other users of the ocean.

(h) *Documents Available to the Public:* NOAA published a notice in the Federal Register requesting other Federal agencies with expertise or jurisdiction over OTEC facilities and plantships to provide NOAA with a description of their expertise and statutory responsibilities (45 FR 56857; August 26, 1980). On September 30, 1980, NOAA published an Ocean Thermal Energy Conversion Environmental Issues Discussion Paper (45 FR 63543). NOAA also published an Advanced Notice of Proposed Rulemaking (45 FR 77038; November 21, 1980).

(i) *Regulatory Impact Analysis* (yes x, no —, unknown —). Anticipated Date of Draft (Completed March 26, 1981).

(ii) *Regulatory Flexibility Analysis* (yes x, no —, unknown —).

Anticipated Date of Draft (Completed March 26, 1981).

(iii) *Other Documents.* Draft Environmental Impact Statement prepared. Anticipated Date of Draft (March 26, 1981).

(i) *Agency Contact:* Lowell Martin, OTEC Regulatory Program Manager, and Rich Norling, OTEC Program Manager, Office of Ocean Minerals and Energy, Page Building #1, 2001 Wisconsin Avenue, N.W., Washington, D.C. 20235, (202) 254-3483.

Department Unit: Office of Minerals and Energy, NOAA.

Title of Regulation: Deep Seabed Mining Regulations for Exploration Licenses (15 CFR Part 970, Subparts A-K)

(a) *Description and Need:* The Deep Seabed Hard Mineral Resources Act (the Act) was signed into law on June 28, 1980. It establishes a legal structure pursuant to which United States citizens may proceed with the exploration for and commercial recovery of deep seabed hard minerals (commonly referred to as "manganese nodules"), pending conclusion of an acceptable Law of the Sea Treaty which would address the same issue. The Act authorizes the Administrator of NOAA to issue to eligible U.S. citizens licenses permitting the exploration for deep seabed hard minerals (which licenses may not be issued before July 1, 1981) and permits for the commercial recovery of such minerals (which permits may not authorize commercial recovery to commence before January 1, 1988). The subject regulations are proposed for the issuance of exploration licenses. They have been developed, consistent with the purposes of the Act, to establish a legal framework to facilitate the development of the new seabed mining industry in the United States, while assuring that such efforts proceed in a responsible and environmentally sensitive manner. The regulations are intended to provide the necessary degree of certainty to the industry in order to facilitate capital investment. The regulations also recognize the need for flexibility in order to promote the development of deep seabed mining technology and allow initiative on behalf of miners to develop mining techniques and systems in a manner compatible with the requirements of the Act and these regulations.

(b) *Objective:* These regulations are intended to implement NOAA's responsibilities under the Act for the issuance of deep seabed mining exploration permits, to establish a legal regime pursuant to which U.S. companies can obtain priority rights to specified areas of the sea floor, and thus

proceed with the development of a deep seabed mining industry.

(c) *Legal Authority:* Deep Seabed Hard Mineral Resources Act; Pub. L. 96-283.

(d) *Importance:*

(i) Major (yes x, no —, unknown —).

(ii) Small Entity Impact (yes —, no x, unknown —).

(e) *Timetable: Anticipated Dates for Federal Register Publication:*

(i) In proposed form (March 24, 1981—46 FR 18448).

(ii) In final form (September 21, 1981)

(f) *Tentative Plan for Obtaining 21, 1981:* NOAA has taken several steps to involve those parties outside the agency in the regulation development process. The agency published in the Federal Register an advance notice of proposed rulemaking on July 28, 1980 (45 FR 49953), seeking comments and information for use in this rulemaking, and sent copies of the notice to individuals or organizations already known to have an interest in the area of seabed mining. In addition, the notice requested that those who are interested in receiving relevant documents during the course of this rulemaking effort advise the agency, so that they may be added to a mailing list. In November 1980, after considering the responses received on the advance notice, NOAA issued a discussion on the major issues to be addressed in regulations. This paper was sent to interested persons and organizations, and a notice published in the Federal Register on November 28, 1980 (45 FR 79089). Also, a public hearing was held on December 17, 1980, to receive comments.

Furthermore, the Act requires that federal departments or agencies having expertise concerning, or jurisdiction over, any aspect of the recovery or processing of seabed mineral resources shall transmit to NOAA written comments as to their expertise or statutory responsibilities pursuant to the Act or any other federal law. NOAA is required to coordinate its functions under the Act with relevant federal agencies. To assure that these agencies are aware of this requirement, NOAA published a notice thereof in the Federal Register, and in addition sent individual letters to those agencies with the most relevant responsibilities.

The proposed rules were prepared after considering the above comments. Public hearings have been scheduled on the rules as follows: Honolulu, Hawaii (April 24); San Francisco, California (April 28); and Washington, D.C. (May 8).

(g) *Major Issues:* The major issues over which NOAA has discretion in implementing the Act are as follows:

1. The extent of information needed to determine the applicant's financial responsibility to engage in the proposed exploration.

2. The extent of information needed to determine the applicant's technological capability to undertake the proposed exploration.

3. The information specified for an applicant to include in its exploration plan.

4. The extent of information or analysis to be required on, and basis for evaluating potential environmental effects from, exploration activities.

5. Criteria and procedures for resolving overlapping applications by pre-enactment explorers.

6. Criteria for evaluating the proposed size and location of an exploration area.

7. Criteria for resolving potential conflicts on uses of the high seas and other international conflicts.

8. Criteria for determining whether there are undue threats to the safety of life and property at sea.

9. Criteria for terms, conditions and restrictions to be included in a license for the purpose of ensuring diligent exploration.

10. Requirements in the form of license terms, conditions and restrictions relative to environmental impact monitoring and mitigation measures.

11. Provisions for terms, conditions and restrictions in licenses to avoid waste during mining and to allow the opportunity for future recovery of the unrecovered balance of nodules.

(h) *Documents Available to the Public:*

(i) Regulatory Impact Analysis Anticipated Date of Draft (yes x, no —, unknown —P).

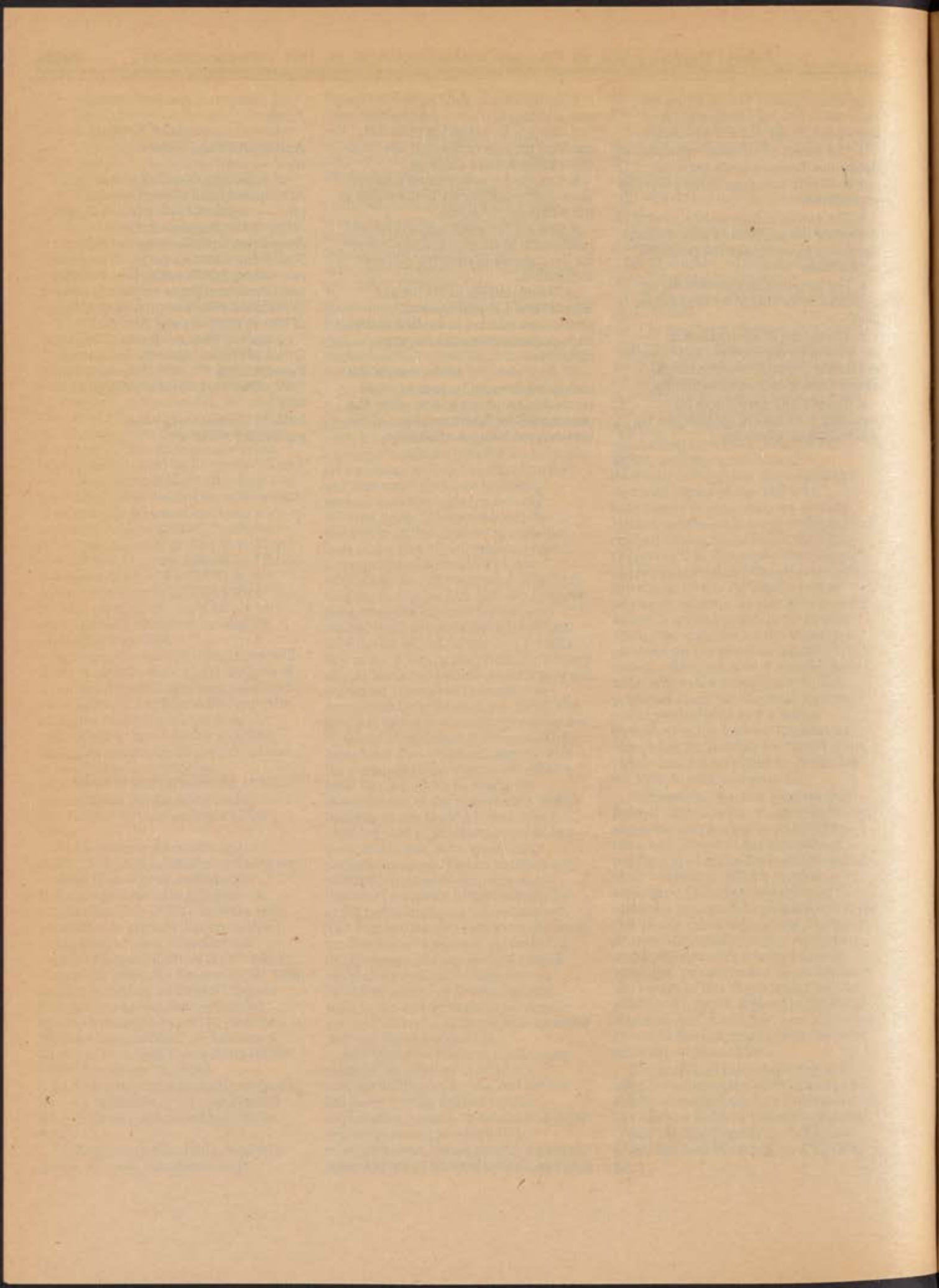
(ii) Regulatory Flexibility Analysis Anticipated Date of Draft (yes x, no —, unknown —). (April 15, 1981).

(iii) *Other Documents:* Draft Programmatic Environmental Impact Statement; Advance notice of proposed rulemaking (45 FR 49953, July 28, 1980); and Discussion paper on the regulations (November 1980, available from Office of Ocean Minerals and Energy).

(i) Agency Contact: James P. Lawless, Office of Ocean Minerals and Energy, Page Building #1, 2001 Wisconsin Ave., N.W., Washington, D.C. 20235 (202) 653-8257.

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federal register

Wednesday
April 29, 1981

Part IV

Department of Justice

Immigration and Naturalization Service

Drug Enforcement Administration

Civil Rights Division

Parole Commission

Regulatory Agendas

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Ch. I

Semiannual Agenda of Significant Regulations Under Development or Review

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Publication of the semiannual regulatory agenda.

SUMMARY: This Semiannual Agenda of Significant Regulations is issued pursuant to Executive Order No. 12291 (46 FR 13193). The purpose of the agenda is to provide the public with information about significant regulatory activity by the Immigration and Naturalization Service. Knowledge of the scope and nature of this activity, as well as specific proposals and reviews being considered, should result in more effective public participation in the Service's regulatory actions.

FOR FURTHER INFORMATION CONTACT:

For inquiries or comments related to specific regulations in the agenda, the public is encouraged to contact the appropriate knowledgeable officials listed. Questions or comments concerning the overall agenda should be sent to Stanley J. Kieszkiel, Acting Instructions Officer, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. Telephone: (202) 6733-3048.

SUPPLEMENTARY INFORMATION: This semiannual agenda covers:

(1) New significant regulations under development or those anticipated to be under development within the next twelve months;

(2) Existing significant regulations under review for possible revision or those anticipated to be reviewed within the next twelve months; and

(3) An update of the significant entries included in the semiannual agenda published in the *Federal Register* on January 30, 1981.

This publication in the *Federal Register* does not impose any binding obligation on the Service with regard to any specific item on the agenda. Regulatory action in addition to the items listed is not precluded or limited by the publication.

A. Plans for Modifying Regulations**1. Title. Refugee and Asylum Procedures**

Description of the Regulation. Interim regulations to promulgate the provisions of the Refugee Act of 1980 were published on June 2, 1980 (45 FR 37392). These regulations added Parts 207, 208, and 209 to 8 CFR. Vast numbers of refugees and political asylees, from Cuba, Haiti, Indochina, and other areas were processed under these interim regulations. This experience indicated the need for some modification to the present regulations to simplify procedures for processing the applicants. The modified regulations also will have new provisions for preliminary processing of refugees overseas by the State Department. Assurances of employment and housing will be more liberal to allow reputable resettlement organizations as well as individuals to sponsor refugees rather than the former guarantee which was required of individual sponsors only. Old sections of 8 CFR which conflict with the new regulations will be deleted from the code. We believe these changes will be of benefit in providing the necessary guidance to Service personnel and the public when processing refugees and political asylees.

Legal basis. Refugee Act of 1980, Pub. L. 96-212, 94 Stat. 102, dated March 17, 1980.

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. John L. Rebsamen, Director, Office of Refugee and Parole, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington DC 20536. (202) 633-2361.

B. New Regulations Under Development

The Immigration and Naturalization Service has no new regulations under development to report in this agenda. While the Select Commission on Immigration and Refugee Policy has reviewed numerous sections of the Immigration and Nationality Act and is in the process of drafting its recommendations, no new legislation has been enacted to change the Act which would in turn require new regulations. Future Congressional action may require INS to initiate plans for developing new regulations and such action will be announced by publication in the *Federal Register*.

C. Status of Regulations Previously Listed in the Semiannual Agenda of Significant Regulations Published on October 6, 1980 (45 FR 66173)**1. Title. Refugee and Asylum Procedures**

These interim regulations are being finalized as described in Part A above.

For further information contact: John L. Rebsamen, Director, Office of Refugee and Parole, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington DC 20536. (202) 633-2361.

2. Title. Rules for Employment Authorization for Certain Aliens, 8 CFR Part 109

On July 25, 1979 (44 FR 43480) and March 26, 1980 (45 FR 19563) the Service published proposed rules to codify various Service Operations Instructions, policy statements, and other memoranda relating to granting employment authorization to aliens in the United States. After careful consideration of the comments received during the public comment periods, the Service is preparing a final rule to incorporate employment authorization under one part of the CFR which will codify all of the prior material.

For further information contact: H. F. Klajbor, Deputy Assistant Commissioner, Adjudications, Immigration and Naturalization Service, 425 Eye Street, N.W., Washington, DC 20536. (202) 633-3229.

Semiannual Agenda Overview

Title of regulations	Target dates	
	Publish for comment	Issuance of final regulation
A. Regulations under review and revision: 1. Refugee and asylum procedures (interim).	June 2, 1980	June 1981.
B. New regulations under development: None.		
C. Status of regulations previously listed in the semiannual agenda of significant regulations published on October 6, 1980 (45 FR 66173):		
1. Refugee and asylum procedures (final)	(¹)	
2. Rules for employment authorization for certain aliens.	July 25, 1979	June 1981.

¹ See Part A above.

Dated: April 22, 1981.

David Crosland,

Acting Commissioner of Immigration and Naturalization.

[FR Doc. 81-12669 Filed 4-29-81; 8:45 am]

BILLING CODE 4410-10-M

Drug Enforcement Administration**21 CFR Ch. II****Semiannual Agenda of Regulations;
Regulatory Flexibility Agenda****AGENCY:** Drug Enforcement Administration, Justice.**ACTION:** Publication of semiannual agenda of regulations.**SUMMARY:** The Drug Enforcement Administration publishes its semiannual agenda of regulations pursuant to Section 5 of Executive Order 12291 and Section 602 of the Regulatory Flexibility Act.**FOR FURTHER INFORMATION CONTACT:**

For inquiries or comments related to specific regulations in this agenda, the public is encouraged to contact the appropriate knowledgeable official. Questions concerning the overall agenda should be addressed to William M. Lenck, Chief Counsel, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633-1276.

A. Plans for Modifying Regulations

Title. Schedules of Controlled Substances; Denial of Petition to Decontrol Mazindol; Rescheduling of Mazindol into Schedule IV.

Description of the Regulation. On April 17, 1981 (47 FR 22393), DEA published a combined Final Rule and Notice of Proposed Rulemaking in which it denied a petition to remove mazindol (Sanorex) from the list of substances controlled under the Controlled Substances Act and proposed to reschedule this drug from Schedule III to Schedule IV of the Act. Interested parties and the public at large have been invited to submit comments with respect to the proposed action. The comment period is scheduled to close on June 16, 1981. The proposed rescheduling of mazindol is based upon the medical and scientific evaluation and recommendations of the Assistant Secretary for Health, Department of Health and Human Services.

Legal Basis. 21 U.S.C. 811.

Regulatory Analysis. No regulatory analysis or regulatory flexibility analysis is required.

Knowledgeable Official. Howard McClain, Jr. Chief, Regulatory Control Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633-1366.

B. New Regulations Under Development

DEA has no other new regulations under development.

C. Status of Regulations Previously Listed in the Semiannual Agenda of Regulations Published on January 30, 1981 (46 FR 10105)

1. **Title.** Schedules of Controlled Substances; Placement of Temazepam in Schedule IV.

In the January 30, 1981 agenda, DEA advised that it had published a Notice of Proposed Rulemaking to list temazepam in Schedule IV of the Controlled Substances Act. No comments or objections to the proposed scheduling were received and on April 7, 1981 (46 FR 20671) DEA published a Final Rule placing temazepam in Schedule IV along with similar drugs currently listed in that schedule.

For further information contact: Howard McClain, Jr., Chief, Regulatory Control Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633-1366.

2. **Title.** Reports from Manufacturers of Schedule III and IV Products Listed in the Psychotropic Convention of 1971.

In the January 30, 1981 agenda, DEA advised that it was planning to amend 21 CFR 1304.43 to impose a new reporting requirement upon manufacturers of substances listed in Schedules III and IV of the Psychotropic Convention of 1971. This matter is still under study and no Notice of Proposed Rulemaking has been issued. DEA will attempt to devise a reporting format which will provide the information needed to meet this country's international obligations while imposing the least possible additional burden upon the affected registrants.

For further information contact: Alfred A. Russell, Chief, Regulatory Support Division, Office of Compliance and Regulatory Affairs, Drug Enforcement Administration, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633-1570.

3. **Title.** Transfer of Prescription Information for Schedule II, IV and V Controlled Substances.

In the January 30, 1981 agenda, DEA advised that it had issued a Notice of Proposed Rulemaking (45 FR 21652, April 2, 1980) to amend 21 CFR § 1306.26 to permit the transfer of prescriptions for certain controlled substances from one pharmacy to another. This proposal has resulted in the submission of an unusually large number of comments, both for and against. The proposal is still under study.

For further information contact: Ronald W. Buzzee, Chief, Compliance Division, Office of Compliance and Regulatory Affairs, Drug Enforcement

Administration, 1405 I Street, N.W., Washington, D.C. 20537, (202) 633-1321.

D. Regulatory Flexibility

The Controlled Substances Act and the regulations promulgated thereunder have from their inception recognized the differences between large and small entities. The recordkeeping, reporting and security requirements imposed upon retail-level registrants, such as pharmacies and individual practitioners, are considerably less involved than those imposed upon manufacturers and distributors. Manufacturers, in many cases, produce controlled substances under internationally mandated quotas and reporting requirements and distributors typically handle large volumes of highly abusable and dangerous drugs.

The recordkeeping and reporting requirements administered by DEA are mandated by the Comprehensive Drug Abuse Prevention and Control Act of 1970, as amended, and by the treaties and other international agreements to which the United States is a party. The ultimate purpose of these requirements is to prevent the diversion of controlled substances from legitimate medical, scientific and industrial channels into the illicit marketplace. Without losing sight of this important purpose, DEA continuously reviews its regulations in order to ascertain that they impose the least possible burden upon registrants, large and small. These efforts predate the enactment of the Regulatory Flexibility Act and other regulatory reform measures. With respect to this on-going review process, registrants and other interested persons are encouraged to make their comments, suggestions and concerns known to the administration through the various responsible officials listed above.

Dated: April 21, 1981.

Frederick A. Rody, Jr.,

Acting Administrator, Drug Enforcement Administration.

[FR Doc. 81-12870 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-09-M

Civil Rights Division**28 CFR Ch. I****Semiannual Agenda of Regulations****AGENCY:** Civil Rights Division, Justice.**ACTION:** Publication of the semiannual agenda of regulations.**SUMMARY:** The Civil Rights Division is publishing its semiannual agenda of

regulations under Executive Order 12291.

FOR FURTHER INFORMATION CONTACT: For information regarding individual regulations, contact the individual identified as the knowledgeable official.

A. Plans for Modifying Regulations

Title. Coordination of Enforcement of Nondiscrimination in Federally Assisted Programs

Description of Regulation. The Civil Rights Division is amending its Title VI coordination regulation, 28 CFR Part 42, Subpart F, to reflect the increased coordination responsibility vested in the Attorney General by Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws." This Executive Order, which supersedes Executive Orders 11764 and 11914, assigns to the Attorney General the overall responsibility for coordinating the enforcement of the following laws:

(1) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.); (2) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.); (3) Section 564 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 694); and (4) any other statutory provision of Federal law which provides in whole or in part, that no person in the United States shall, on the ground of race, color, national origin, handicap, religion, or sex, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

The Executive Order in Section 1-2, "Coordination of Nondiscrimination Provisions," also enumerates several specific responsibilities of the Attorney General in carrying out this oversight and coordination function which were not included in either of the two previous Orders. Accordingly, the current regulation must be completely revised.

Legal Basis. Executive Order 12250, "Leadership and Coordination of Nondiscrimination Laws," 45 FR 72995, November 4, 1980.

Regulatory Analysis. A regulatory analysis is not required.

Knowledgeable Official. Stewart B. Oneglia, Chief, Coordination and Review Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530 (202) 724-6757.

B. New Regulations Under Development

Title. Procedures for Complaints of Employment Discrimination Filed Against Recipients of Federal Funds

Description of the Regulation. This proposed rule sets forth procedures for

the handling of complaints of employment discrimination which are filed with Federal fund granting agencies under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and other provisions of Federal law which prohibit discrimination on grounds of race, color, religion, sex, or national origin in programs or activities receiving Federal financial assistance. The regulation allows the fund granting agency to refer complaints to the Equal Employment Opportunity Commission (EEOC). For complaints covered both by Title VI or Title IX and Title VII of the Civil Rights Act of 1964, the regulations contemplate that those complaints which allege individual acts of discrimination will be referred to EEOC for investigation and conciliation, while those complaints which allege systemic discrimination will be retained by the fund granting agency. Employment discrimination complaints which are not covered by Title VI or Title IX will be transferred to EEOC.

This proposed rule will allow Federal fund granting agencies to focus their enforcement efforts on services discrimination and systemic employment discrimination which affects the rights of beneficiaries. At the same time, it will avoid duplication of investigations by Federal agencies and should therefore remove needless burdens from recipient employers.

This proposed rule will be promulgated jointly with EEOC.

Legal Basis. Executive Order 12250, 45 FR 72995 (November 4, 1980) and Executive Order 12067, 43 FR 28967 (June 30, 1978).

Knowledgeable Official. David L. Rose, Chief, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 633-3861.

C. Status of Regulations Previously Listed in the Semiannual Agenda of Significant Regulations Published on October 8, 1980 (45 FR 66813)

1. Title. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965

On March 21, 1980, the Attorney General published in the *Federal Register* (45 FR 18890) for comments proposed revised Procedures for Administration of Section 5 of the Voting Rights Act of 1965, 28 CFR Part 51. On January 5, 1981, the Attorney General published in the *Federal Register* (46 FR 870) final revised Procedures. Editorial corrections to the final revised Procedures were published on January 29, 1981 (46 FR 9570). For

further information contact David H. Hunter, Attorney, Voting Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 724-7189.

2. Title. Nondiscrimination Based on Handicap in Federally Assisted Programs

The final rule for nondiscrimination based on handicap in Federally assisted programs was published in the *Federal Register* on Tuesday, June 3, 1980, 45 FR 37620. For further information contact Robert N. Dempsey, Attorney, Federal Enforcement Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 633-2374.

3. Title. Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance

The Civil Rights Division published the Department's regulation proposed to implement the Age Discrimination Act of 1975, as amended, on May 19, 1980, at 45 FR 32710. Following the comment period, the Division worked with the Office of the General Counsel of the Department of Health and Human Services and developed modifications to the proposed regulation. The Office of Legal Counsel at Justice has approved the proposed regulation, with the technical modifications noted, as to form and legality. On November 10, 1980, the Civil Rights Division forwarded to the Secretary of the Department of Health and Human Services the final version of the Department of Justice regulation and requested the Secretary's approval, following which it will be submitted to the Attorney General for signature and then published as a final rule. For further information contact David B. Marblestone, Attorney, Appellate Section, Civil Rights Division, Department of Justice, Washington, D.C. 20530, (202) 633-4492.

4. Title. Education Programs and Activities Receiving or Benefiting From Federal Financial Assistance—Implementation of Title IX of the Education Amendments Act of 1972, as Amended

This regulation was listed in the semiannual agenda of the Civil Rights Division published on October 8, 1980, 45 FR 66813. Notice of Proposed Rulemaking was published on June 11, 1980, 45 FR 41001, and the comment period on that notice was extended on September 19, 1980, 45 FR 54770. A revised Notice of Proposed Rulemaking is expected to be published for comment. For further information contact Stewart B. Oneglia, Chief, Coordination and Review Section, Civil

Rights Division, Department of Justice,
Washington, D.C. 20530, (202) 724-6757.

James P. Turner,
*Acting Assistant Attorney General, Civil
Rights Division.*

[FR Doc. 81-12000 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-01-M

Parole Commission

28 CFR Ch. I

Semiannual Agenda of Regulations

AGENCY: United States Parole
Commission.

ACTION: Publication of the semiannual
agenda of regulations.

SUMMARY: This semiannual agenda of
significant regulations is issued pursuant
to Executive Order No. 12291 (46 FR
13193).

The purpose of this semiannual
agenda is to provide the public with
information about regulatory activities
in the United States Parole Commission.
The last agenda was published on
January 30, 1981.

FOR FURTHER INFORMATION CONTACT:
For inquiries or comments related to
regulations described in the agenda, the
public is encouraged to contact the
identified knowledgeable official.
Questions or comments concerning the
overall agenda should be sent to Toby

Slawsky, General Counsel's Office,
United States Parole Commission, Park
Place, One North Park Building, 5550
Friendship Blvd., Bethesda, Maryland
20015, (301) 492-5959.

SUPPLEMENTARY INFORMATION: The
semiannual agenda covers regulations
under development at the time this
agenda is prepared or which the Parole
Commission anticipates developing
within the next twelve months. For all
regulations that were included in the
last semiannual agenda published
January 30, 1981, a status update is
included.

A. Plans for Modifying Regulations

Title. Delegation to Hearing Examiners,
28 CFR 2.23

Description of Regulation. The Parole
Commission is considering modifying its
regulations at 28 CFR 2.23 and 2.49(e) to
provide that a Regional Commissioner
can personally conduct local revocation
hearings. The Commission is
considering this action as a cost saving
measure since it would allow a
Commissioner to conduct a local
revocation hearing in conjunction with
other official travel.

Legal Basis: 18 U.S.C. 4203(a)(1)
Knowledgeable Official: Rockne
Chickinell, Attorney, General Counsel's
Office (301) 492-5959.

2. *Title. Reopening of Cases, 28 CFR 2.28*

Description of Regulation. The
Commission is considering modifying 28
CFR 2.28(c) to eliminate the requirement

that the Commission hold a new hearing
when a prisoner receives an additional
federal sentence following his initial
parole consideration, where the
Commission has previously evaluated
the new criminal behavior which led to
the additional federal sentence at a
rescission hearing under 28 CFR 2.34
and has set a presumptive or effective
parole date. The Commission is
considering this modification as a cost
saving measure to eliminate duplicative
hearings.

Legal Basis: 18 U.S.C. 4203(a)(1).

Knowledgeable Official: Rockne
Chickinell, Attorney, General Counsel's
Office (301) 492-5959.

B. New Regulations Under Development

The Parole Commission has no new
regulations under development to report.

C. Status of Regulations Previously Listed in the Semiannual Agenda Published on January 30, 1981 (46 FR 10108)

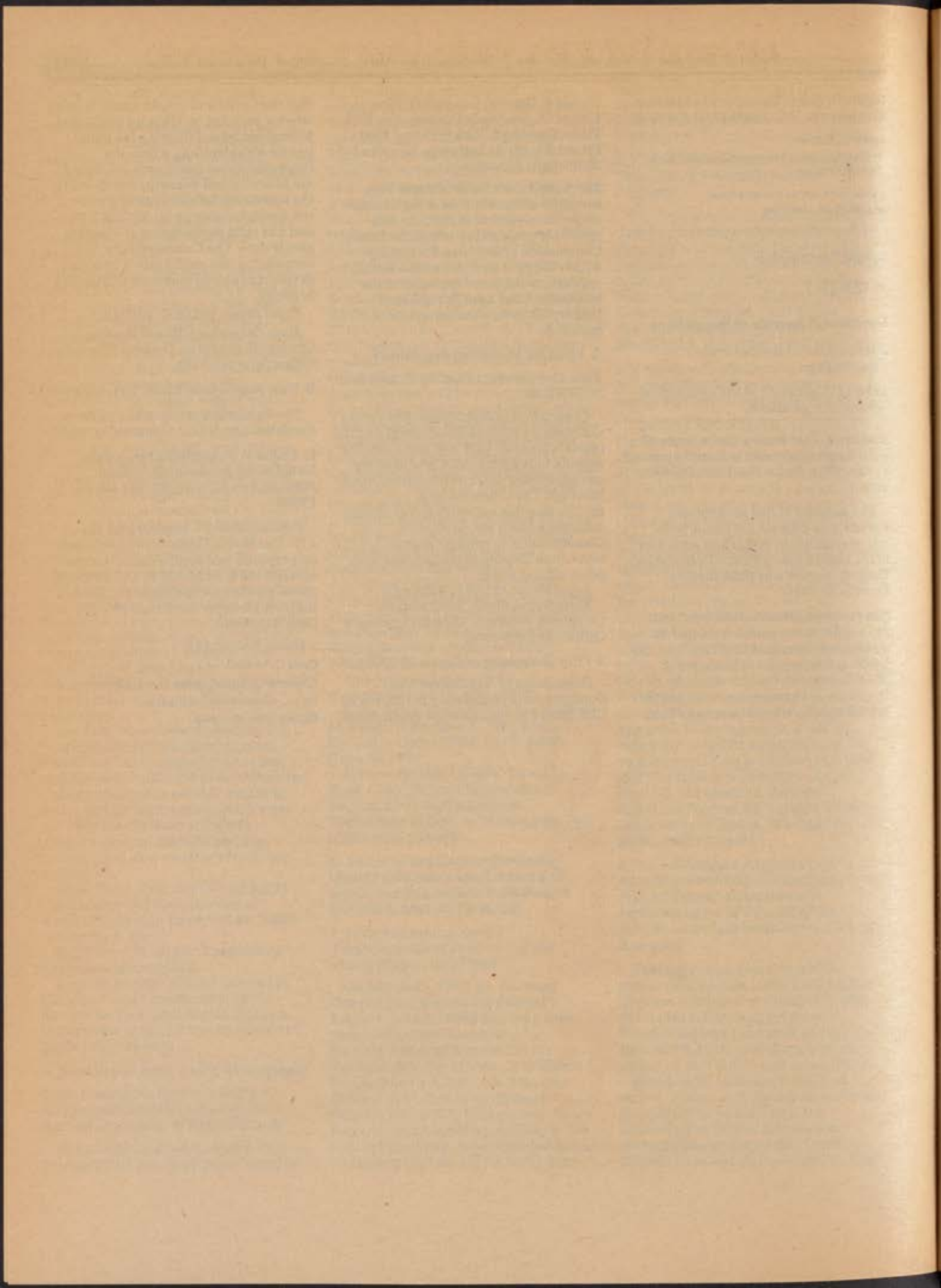
*Paroling Policy Guidelines, 28 CFR
2.20.* The Parole Commission published
its proposed rule modifying its offense
severity scale on March 3, 1981 at 46 FR
14904. For further information contact
Barbara Meierhoefer, Research Unit,
(301) 492-5980.

Dated: April 22, 1981.

Cecil C. McCall,
Chairman, United States Parole Commission.

[FR Doc. 81-12071 Filed 4-28-81; 8:45 am]

BILLING CODE 4410-05-M



federal register

**Wednesday
April 29, 1981**

Part V

Department of the Interior

Bureau of Land Management

**State Grants; Amendments to the State
Indemnity Selections Regulations**

March 1904
April 1904

Part V

Department of the
Interior

Bureau of Land Management

State Grants, Amendments to the State
Mineral Leases and Regulations

Revised Edition

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2620

(Circular No. 2486)

State Grants; Amendments to the State Indemnity Selections Regulations

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: The Department of the Interior, in close cooperation with the affected States, has developed a new State Indemnity Selection process that will expedite the selection by the States of their remaining in-lieu selection rights. This final rulemaking makes technical amendments to the existing regulations that will facilitate the expedited process.

EFFECTIVE DATE: May 29, 1981.

ADDRESS: Any suggestions or inquiries should be sent to: Director (321), Bureau of Land Management, 1800 C Street NW., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Keith Corrigan, (202) 343-8693.

SUPPLEMENTARY INFORMATION: This final rulemaking is one step in a two step change in the procedures covering the State indemnity selection process. These changes will speed up the process of completing the remaining in-lieu selection rights of several of the States.

The first change is the deletion of § 2621.1 which was placed in the existing regulations as a result of the enactment of the Act of August 27, 1958 (72 Stat. 928). This Act, among other things, granted the States a preference, on revocations made within ten years from the date of the enactment of the Act, to select from lands which had been withdrawn but on which the withdrawal was revoked. Section 2621.1 permits a State to waive its preference. Since the ten year period expired on August 27, 1968, this provision is no longer applicable and its removal has no impact on the selecting States.

The second change is the deletion of § 2621.2(d)(2) which contains a 12,000 acre limitation on the amount of land that can be included in one application. This limitation was imposed by regulation at a time when there were large acreages outstanding under the State indemnity selection process and was designed to keep the State Offices of the Bureau of Land Management from

being overwhelmed by a single application. The State Offices of the Bureau can handle the limited acreages now outstanding under the State indemnity selection process and the limitation no longer serves a valid purpose.

The third administrative change is an amendment to § 2621.2(d)(3) that will make it easier for the Department of the Interior to process applications from the States on an aggregate or pool basis because States will no longer be required to offer a specific base parcel for a specific land parcel of the Federal Government at the time of the filing of an application. Prior to approval of the application, the States and the Department will identify the specific base parcels being used for entitlement purposes.

The fourth administrative change made by this final rulemaking is deletion of § 2621.2(e). This section provides that each application for in-lieu lands shall be accompanied by a non-refundable fee of \$5. The Secretary of the Interior has decided, pursuant to the authority granted by section 304 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1734), to waive the fees in connection with the State indemnity selection process. The present fee is not adequate to cover the costs of processing State indemnity selections. Waiving the fee is an administrative action and has a beneficial impact on the affected States.

Good cause exists for issuance of this rulemaking as a final rulemaking. Because the changes are administrative and technical in nature and make only procedural changes in the existing regulations, public comment is unnecessary. The changes have no adverse impact on the States involved in indemnity selections, but should have the beneficial impact of expediting the process.

The principal authors of this final rulemaking are Keith Corrigan, Branch of Land Resources, Division of Land Resources and Realty, Bureau of Land Management and Robert C. Bruce, Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is neither a major regulatory action requiring the preparation of a regulatory analysis under Executive Order 12291 nor a regulatory action having a significant economic effect on a substantial number of small entities and does not require a small entity flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96-354).

Under the authority of sections 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), Subpart 2621, Part 2620, Group 2600, Subchapter B, Chapter II of the Code of Federal Regulations is amended as set forth below.

David C. Russell,

Deputy Assistant Secretary of the Interior.

April 10, 1981.

§ 2621.1 [Removed]

§§ 2621.2—2621.5 [Renumbered 2621.1—2621.4]

1. Section 2621.1 is removed in its entirety and §§ 2621.2, 2621.3, 2621.4 and 2621.5 are renumbered 2621.1, 2621.2, 2621.3, and 2621.4 respectively.

§ 2621.1 [Amended]

2. Paragraph (d)(2) is removed from § 2621.2, renumbered 2621.1 above, and paragraphs (d)(3), (d)(4) and (d)(5) are renumbered (d)(2), (d)(3) and (d)(4) respectively.

3. Paragraph (d)(3) of the existing regulations, renumbered paragraph (d)(2) above, is revised to read as follows:

* * * * *

(d) * * *

(2) Separate base or bases do not have to be assigned to each smallest legal subdivision of selected surveyed lands or mineral estate and to each tract of unsurveyed lands upon application. However, prior to final approval of the selection, separate base or bases shall be assigned. Assignment of the smallest actual or probable legal subdivision as base will constitute an election to take indemnity for the entire subdivision and is a waiver of the State's rights to such subdivision, except that any remaining balance of acreage may be used as base in other selections.

4. Paragraph (e) is removed in its entirety from § 2621.2, renumbered 2621.1 above.

[FR Doc. 81-12880 Filed 4-28-81; 8:45 am]

BILLING CODE 4310-04-M

federal register

Wednesday
April 29, 1981

Part VI

Department of the Interior

Bureau of Land Management

**Amendment To Provide Segregation for
State Indemnity Lands**

Wash. D.C. 20540
April 22, 1964

Part VI

Department of the
Interior

Office of Land Management

Memorandum for the Director
Bureau of Land Management

Re: [Illegible text]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 2090

Amendment To Provide Segregation for State Indemnity Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking.

SUMMARY: The Department of the Interior, in close cooperation with the affected States, has developed a new State indemnity selection process that will expedite the selection by the States of their remaining in-lieu selection rights. This proposed rulemaking will amend the existing regulations to provide for the segregation of lands applied for by a State as part of the indemnity selection process. This change will facilitate the expedited process.

DATES: Comments by June 1, 1981.

ADDRESS: Comments should be sent to: Director (650), Bureau of Land Management, 1800 C Street, NW., Washington, D.C. 20240.

Comments will be available for public review in room 5555 of the above address during regular business hours (7:45 a.m. to 4:15 p.m.) on work days.

FOR FURTHER INFORMATION CONTACT: Keith Corrigan, 202-343-8693.

SUPPLEMENTARY INFORMATION: This proposed rulemaking is one step in a two step change in the procedures covering the State indemnity selection process. The two proposed changes to the existing regulations will speed up the process of completing the remaining in-lieu selection rights of several of the States. Several administrative changes are being made through a separate final

rulemaking. This proposed rulemaking makes one substantive change in the existing regulations on segregation. It adds a new § 2091.2-6 to Subpart 2091 which deals with segregation of lands. The new section provides for the segregation of the lands covered by an application of a State for indemnity lands and requires the publication of notice of the filing of the application. The publication will be made in the *Federal Register*. The new section also provides the procedure for terminating the segregative effect. Segregating the lands covered by an application for indemnity lands will protect those lands from entry under the public land laws, including the mining laws, during the processing of the application.

The principal authors of this proposed rulemaking are Keith Corrigan, Branch of Land Resources, Division of Land Resources and Realty, Bureau of Land Management, and Robert C. Bruce, Office of Legislation and Regulatory Management, Bureau of Land Management.

It is hereby determined that the publication of this document is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required.

The Department of the Interior has determined that this document is neither a major regulatory action requiring the preparation of a regulatory analysis under Executive Order 12291 nor a regulatory action having a significant economic effect on a substantial number of small entities, and does not require a small entity flexibility analysis under the Regulatory Flexibility Act (Pub. L. 96-354).

Under the authority of section 2275 and 2276 of the Revised Statutes, as amended (43 U.S.C. 851, 852), it is proposed to amend Subpart 2091, Part 2090, Group 2000, Subchapter B, Chapter II of the Code of Federal Regulations as set forth below:

A new § 2091.2-6 is added as follows:

§ 2091.2 Upon application for.

§ 2091.2-6 State indemnity selections.

The filing of an application for selection under the provisions of Subpart 2091 of this part shall segregate the lands described in the application from settlement, sale, locations or entry under the public land laws, including the mining laws. The authorized officer shall promptly publish in the *Federal Register* a notice of the filing of the selection application. Any application, allowance of which is discretionary, shall not be accepted, shall not be considered as filed and shall be returned to the applicant. The segregative effect of the selection application on the public lands shall terminate upon issuance of a document of conveyance to such lands, upon publication in the *Federal Register* of a notice of termination of the segregation or the expiration of 2 years from the date of the filing of the selection application, whichever occurs first. Where administrative appeal or review actions have been sought pursuant to Part 4 or Subpart 2450 of this title, the segregative period shall continue in effect until publication of a notice of termination of the segregation in the *Federal Register*.

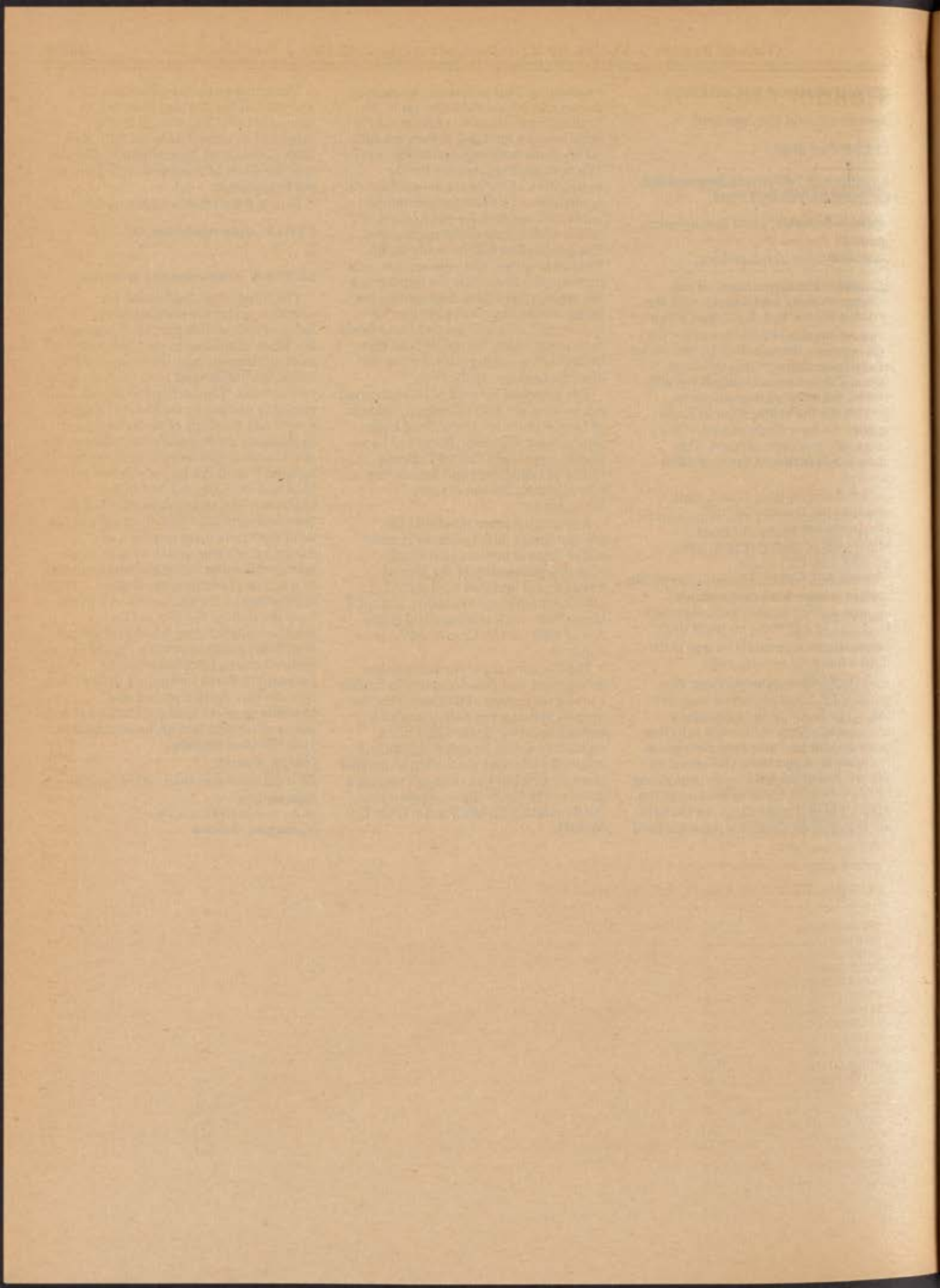
David C. Russell,

Deputy Assistant Secretary of the Interior.

April 10, 1981.

[FR Doc. 81-12687 Filed 4-28-81; 6:45 am]

BILLING CODE 4310-84-M



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Vol. 46, No. 82

Wednesday, April 29, 1981

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AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday).

This is a voluntary program. (See OFR NOTICE 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/SECRETARY	USDA/ASCS		DOT/SECRETARY	USDA/ASCS
DOT/COAST GUARD	USDA/FNS		DOT/COAST GUARD	USDA/FNS
DOT/FAA	USDA/FSQS		DOT/FAA	USDA/FSQS
DOT/FHWA	USDA/REA		DOT/FHWA	USDA/REA
DOT/FRA	MSPB/OPM		DOT/FRA	MSPB/OPM
DOT/NHTSA	LABOR		DOT/NHTSA	LABOR
DOT/RSPA	HHS/FDA		DOT/RSPA	HHS/FDA
DOT/SLSDC			DOT/SLSDC	
DOT/UMTA			DOT/UMTA	
CSA			CSA	

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the

Day-of-the-Week Program Coordinator,
Office of the Federal Register,
National Archives and Records Service,
General Services Administration,
Washington, D.C. 20408.

REMINDERS

The "reminders" below identify documents that appeared in issues of the *Federal Register* 15 days or more ago. Inclusion or exclusion from this list has no legal significance.

Deadlines for Comments on Proposed Rules for the Week of May 3 through May 9, 1981

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service—

- 15494 3-6-81 / Contagious Equine Metritis, method for release of breeding mares under quarantine; comments by 5-5-81

Office of the Secretary—

- 21016 4-8-81 / Employee responsibilities and conduct; comments by 5-8-81

CONSUMER PRODUCT SAFETY COMMISSION

- 20032 4-2-81 / Safety standard for unvented gas-fired space heaters; proposed extension of effective date; comments by 5-4-81

EDUCATION DEPARTMENT

- 18321 3-24-81 / Nondiscrimination on the basis of handicap in programs and activities receiving or benefiting from Federal financial assistance; comments by 5-8-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

- 16903 3-16-81 / Natural gas companies; pipeline blanket certificates, interstate; routine transactions; comments by 5-8-81

- 21192 4-9-81 / Procedures for operator protests relating to stripper well natural gas; comments by 5-8-81

- 21189 4-9-81 / Revised notice of proposed revisions to Form No. 15, Interstate Pipelines Annual Report of Gas Supply; comments by 5-4-81

ENVIRONMENTAL PROTECTION AGENCY

- 83952 12-19-80 / Air pollutants, hazardous; national emission standards; benzene from storage vessels with capacity greater than four cubic meters; comments by 5-8-81

[Comment period extended at 46 FR 9660, 1-29-81]

- 20233 4-3-81 / Air quality, Alabama, designation of areas for planning purposes, Jefferson County; comments by 5-4-81
- 20234 4-3-81 / Air quality, Alabama; designation of areas for planning purposes, Lauderdale County; comments by 5-4-81
- 20231 4-3-81 / Air quality, Georgia; surveillance plan revision; comments by 5-4-81
- 20233 4-3-81 / Air quality, Missouri; revision of State Implementation Plan; comments by 5-4-81
- 20236 4-3-81 / Air quality, South Carolina; designation of areas for planning purposes; comments by 5-4-81
- 21629 4-13-81 / Application submitted by General Motors Corporation (GM) for waiver of 1982 model year carbon monoxide (CO) exhaust emission standard for its 2.5 liter (L) throttle body fuel injected (TBFI) engine family; comments by 5-4-81
- 20573 4-6-81 / California; air quality implementation plans; delayed compliance; comments by 5-8-81
- 20707 4-7-81 / Iron and steel manufacturing point source category; effluent limitations guidelines; pretreatment standards and new source performance standards; comments by 5-8-81
- 20703 4-7-81 / Motor vehicle pollution control; procedures for application for waiver of effective date of carbon monoxide emission standards for certain 1982 model year light-duty motor vehicle models; comments by 5-4-81
- 20705 4-7-81 / Motor vehicle pollution control; procedures for application for waiver of the 1981-1984 model year oxides of nitrogen emission standard for light-duty diesel motor vehicles; comments by 5-4-81
- 20692 4-7-81 / State Implementation Plans; revision; Commonwealth of Virginia; comments by 5-7-81
- 20696 4-7-81 / State Implementation Plan; revision; Commonwealth of Virginia; comments by 5-7-81
- 20690 4-7-81 / State Implementation Plans; approval and promulgation; Wisconsin; comments by 5-7-81

FEDERAL COMMUNICATIONS COMMISSION

- 20707 4-7-81 / Elimination of the telephone company cable television cross-ownership rules for rural areas; reply comments by 5-8-81
- 17809 3-20-81 / FM broadcast station in Ansley, Ala.; changes in table of assignment; comments by 5-4-81
- 17811 3-20-81 / FM broadcast station in Bend, Oreg.; changes made in table of assignment; comments by 5-4-81
- 17810 3-20-81 / FM broadcast stations in Fort Bragg and Mendocino, Calif.; changes made in table of assignments; comments by 5-4-81
- 13740 2-24-81 / FM broadcast station in Crockett, Texas; changes in table of assignment; reply comments by 5-4-81
- 13738 2-24-81 / FM broadcast stations, table of assignments; Owenton, Kentucky; reply comments by 5-4-81
- 13739 2-24-81 / FM broadcast stations, table of assignments; Sparks, Nevada; reply comments by 5-4-81
- 15749 3-9-81 / Regulatory policies and procedures for the Domestic Public Land Mobile radio service; reply comments by 5-7-81
- [Corrected at 46 FR 21042, 4-8-81]
- 21633 4-13-81 / Television broadcast station in Santa Barbara, Calif.; amendment to table of assignments; reply comments extended to 5-8-81
- [See also 45 FR 55244, 8-19-80]

INTERIOR DEPARTMENT**Fish and Wildlife Service—**

- 21209 4-9-81 / African elephants; proposed easing of restrictions on domestic activities; comments by 5-7-81
- 20713 4-7-81 / International Trade in Endangered Species of Wild Fauna and Flora; amendments to appendices of the convention on; comments by 5-8-81
- Surface Mining Reclamation and Enforcement Office—
- 22399 4-17-81 / Permanent regulatory program for surface coal mining and reclamation operation; comments by 5-8-81

INTERSTATE COMMERCE COMMISSION

- 17814 3-20-81 / C.O.D. shipments; authorization of individual carriers to establish own nondiscriminatory collection and remittance rules; comments by 5-4-81
- 17234 3-18-81 / Detention of motor vehicles—nationwide and Alaska; comments by 5-4-81

LABOR DEPARTMENT**Occupational Safety and Health Administration—**

- 20229 4-3-81 / Nevada State Plan; notices of violation in lieu of citations for certain other than serious violations; comments by 5-4-81

NAVAJO AND HOPI INDIAN RELOCATION COMMISSION

- 15720 3-9-81 / Commission operations and relocation procedures; recodification, revision and additions to Part 700—Commission Operations and Relocation Procedures; comments by 5-8-81

NUCLEAR REGULATORY COMMISSION

- 20215 4-3-81 / Power reactor operating licenses review procedures; immediate effectiveness rule; comments by 5-4-81
- 15154 3-4-81 / Uranium fuel cycle environmental data; comments by 5-4-81

PERSONNEL MANAGEMENT OFFICE

- 20213 4-3-81 / Excepted service; appointments of disadvantaged youth under Summer Aid Program to permit appointment of mentally retarded or severely physically handicapped youths, regardless of financial need; comments by 5-4-81

SECURITIES AND EXCHANGE COMMISSION

- 15713 3-9-81 / Dissemination of quotations for reported securities; comments by 5-8-81

TRANSPORTATION DEPARTMENT**Federal Aviation Administration—**

- 14749 3-2-81 / Petitions for rulemaking; summary of petition received and disposition of petition denied; comments by 5-4-81

TREASURY DEPARTMENT**Internal Revenue Service—**

- 15893 3-10-81 / Definitions and special rules relating to generation-skipping transfers; comments by 5-8-81
- Revenue Sharing Office—
- 20230 4-3-81 / Handicapped discrimination regulations; comments by 5-4-81

Deadlines for Comments on Proposed Rules for the Week of May 10 through May 16, 1981**COPYRIGHT ROYALTY TRIBUNAL**

- 20566 4-6-81 / Regulations for copyright owner access to phonorecord players (jukeboxes) and certain establishments; comments by 5-15-81

ENERGY DEPARTMENT**Economic Regulatory Administration—**

- 20508 4-3-81 / Crude oil and refined petroleum products; price and allocation regulation revocation; comments by 5-15-81
- [Corrected at 46 FR 21357, 4-10-81]
- Federal Energy Regulatory Commission—
- 22004 4-15-81 / High-cost gas produced from tight formations, Alabama; comments by 5-11-81

ENVIRONMENTAL PROTECTION AGENCY

- 21390 4-10-81 / Air quality, Ohio; deadline to remedy conditionally approved portions for primary nonattainment area of Middletown; comments by 5-11-81
- 21391 4-10-81 / Air quality, Washington; review of implementation plans as applied to energy facilities; comments by 5-11-81
- 18055 3-23-81 / Canned and preserved seafood processing point source category; comments by 5-11-81
- 21200 4-9-81 / Consideration of request that a variance to Virginia's Air Pollution Control Regulations be probessed as revision to the State Implementation Plan; comments by 5-11-81
- 21632 4-13-81 / Polyethylene glycol; exemption from the requirement of a tolerance; comments by 5-13-81
- 21199 4-9-81 / Proposed approval of revisions of the South Dakota State Implementation Plan; comments by 5-11-81
- 2556 1-9-81 / Proposed disposal standards for inactive uranium processing sites; comments by 5-11-81
- 22005 4-15-81 / Standards of performance for new stationary sources: stationary gas turbines; comments by 5-15-81
- 21790 4-14-81 / State and Federal administrative orders permitting a delay in compliance with State implementation plan requirements; proposed disapproval of administration order issued by Indiana Air Pollution Control Board to Bethlehem Steel Corp.; comments by 5-14-81
- 18978 3-27-81 / State hazardous waste programs, requirements for authorization; comment period extended to 5-11-81
- [See also 46 FR 8298, 1-28-81]
- 21395 4-10-81 / Water pollution, Virginia, expansion of program to include discharges from Federal facilities; comments by 5-11-81

EXPORT-IMPORT BANK

- 15888 3-10-81 / Financial disclosure requirements for bank employees; comments by 5-11-81

FEDERAL COMMUNICATIONS COMMISSION

- 17233 3-18-81 / Automation of the use of measurement data for AM broadcast stations; comments extended to 5-11-81
- [See also 45 FR 82973, 12-17-80]

15185 3-4-81 / FM broadcast station in East Hampton, N.Y.; Proposed changes in table of assignments; reply comments by 5-11-81

15186 3-4-81 / FM broadcast station in Fort Worth and Palestine, Tex.; Proposed changes in table of assignments; reply comments by 5-11-81

15184 3-4-81 / FM broadcast station in Tioga and Boyce, La.; Proposed changes in the table of assignments; reply comments by 5-11-81

FEDERAL COMMUNICATIONS COMMISSION

23067 4-23-81 / Inquiry into the role of low-power television broadcasting and television translators in the National Telecommunications system; reply comment period extended to 5-13-81

[See also 45 FR 69178, October 17, 1980]

22626 4-20-81 / Interservice sharing of frequencies in the private land mobile service below 470 MHz; comments by 5-15-81

12024 2-12-81 / Telephone systems; license contract agreements and other intrasystem arrangements; comments by 5-11-81

19005 3-27-81 / TV broadcast station in Lander, Wyo.; changes in table of assignments; comments by 5-12-81

19269 3-30-81 / TV broadcast station in Orchard, Nebr.; changes in table of assignments; comments by 5-15-81

19267 3-30-81 / TV broadcast stations in Arcata and Eureka, Calif.; changes in table of assignments; comments by 5-15-81

FEDERAL MARITIME COMMISSION

17064 3-17-81 / Interest in Reparation Proceedings; comments by 5-13-81

FEDERAL TRADE COMMISSION

21784 4-14-81 / Funeral industry practices extension of rebuttal comment period to 5-13-81

[Originally published at 46 FR 6076, 1-22-81]

16274 3-12-81 / George Irvin Chevrolet Co.; proposed consent agreement with analysis to aid comment; comments by 5-11-81

INTERSTATE COMMERCE COMMISSION

19271 3-30-81 / C.O.D. shipments, handling of funds; elimination of requirements; comments by 5-14-81

19273 3-30-81 / Railroad employees; revision of reporting requirements; comments by 5-14-81

LABOR DEPARTMENT

Occupational Safety and Health Administration—

4182 1-16-81 / Marine terminals; health and safety standards; comments by 5-15-81

NATIONAL CREDIT UNION ADMINISTRATION

22762 4-21-81 / Federal credit unions; share, share draft and share certificate accounts; deregulation of deposit rate ceilings; comments by 5-15-81

SECURITIES AND EXCHANGE COMMISSION

18559 3-25-81 / Proposed availability of Rule 242 to certain mining companies; definition of "qualified issuer"; comments by 5-15-81

12011 2-12-81 / Proxy rules and shareholder communications; disclosure and compliance; comments by 5-15-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

15746 3-9-81 / Balloon Federation of America; balloon pilot and flight instructor certification; petition for rulemaking; comments by 5-11-81

3776 1-15-81 / Parts manufacturer approvals; and falsification of airworthiness certification documents; reply comments by 5-15-81

Federal Highway Administration—

21620 4-13-81 / Regulations review; comments by 5-15-81

VETERANS ADMINISTRATION

21389 Loan guaranty; home financing by State and local agencies and VA; simultaneous veteran participation; comments by 5-11-81

Next Week's Meetings:

AGRICULTURE DEPARTMENT

Forest Service—

21211 4-9-81 / San Juan National Forest Grazing Advisory Board, Durango, Colo. (open), 5-8-81

21211 4-9-81 / Sierra National Forest Grazing Advisory Board, Fresno, Calif. (open), 5-8-81

21796 4-14-81 / Targhee Forest Grazing Advisory Board, St. Anthony, Idaho (open), 5-8-81

ARTS AND HUMANITIES, NATIONAL FOUNDATION

19371 3-30-81 / Arts and Artifacts Indemnity Panel, Washington, D.C. (closed), 5-6-81

22702 4-20-81 / Humanities National Council Advisory Committee, Washington, D.C. (partially closed), 5-7 and 5-8-81

22997 4-22-81 / National Council on the Arts, Washington, D.C. (partially open), 5-9 and 5-10-81

CIVIL RIGHTS COMMISSION

21797 4-14-81 / Colorado Advisory Committee, Denver, Colo. (open), 5-8-81

22246 4-16-81 / Indiana Advisory Committee, Indianapolis, Ind. (open), 5-4-81

21798 4-14-81 / Washington and Alaska Advisory Committees, Seattle, Wash. (open), 5-5-81

21798 4-14-81 / Washington and Alaska Advisory Committees, Seattle, Wash. (open), 5-6-81

COMMERCE DEPARTMENT

International Trade Administration—

22920 4-22-81 / Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee, Washington, D.C. (closed), 5-7-81

National Oceanic and Atmospheric Administration—

21798 4-14-81 / Inter-Council Billfish Committee, Arlington, Va. (open), 5-6 and 5-7-81

21636 4-13-81 / Mid-Atlantic Fishery Management Council, Scientific and Statistical Committee, Philadelphia, Pa. (open), 5-6-81

21051 4-8-81 / Pacific Fishery Management Council, Scientific and Statistical Committee, Pink Shrimp Subpanel, San Rafael, Calif. (partially open), 5-5 through 5-7-81

DEFENSE DEPARTMENT

Army Department—

22789 4-21-81 / Board of Visitors, United States Military Academy, Washington, D.C. (open), 5-6-81

DEFENSE DEPARTMENT

Defense Nuclear Agency—

22256 4-16-81 / Scientific Advisory Group on Effects, San Francisco, Calif. (closed), 5-4 through 5-7-81

Office of the Secretary—

19970 4-2-81 / DoD Advisory Group on Electron Devices (AGED), Arlington, Va. (closed), 5-4-81

17826 3-20-81 / Wage Committee, Washington, D.C. (closed), 5-5-81

EDUCATION DEPARTMENT

22257 4-16-81 / National Advisory Council on Indian Education, Anchorage, Alaska (partially open), 5-1 through 5-3-81

19294 3-30-81 / National Council on the Handicapped, Washington, D.C. (open), 5-6-81

ENERGY DEPARTMENT

Energy Research Office—

- 22930 4-22-81 / Energy Research Advisory Board, Washington, D.C. (open), 5-7 and 5-8-81
- 22792 4-21-81 / International Energy Agency, Industry Working Party, Paris, France (closed), 5-4, 5-5, and 5-6-81
- 22025 4-15-81 / National Petroleum Council, Environmental Conservation Committee, Land Use Task Group, Washington, D.C. (open), 5-5-81
- 22423 4-17-81 / Oak Ridge Reservation to the City of Oak Ridge, Tennessee; intent to prepare an environmental impact statement, Oak Ridge, Tenn. (open), 5-6-81
- 21692 4-13-81 / Preparation of an environmental impact statement on an inactive uranium mill tailings pile near Salt Lake City, Utah, Salt Lake City, Utah (open), 5-5-81 and Tooele, Utah (open), 5-6-81

Economic Regulatory Administration—

- 20266 4-3-81 / Tucson Electric Power Company, Tucson, Ariz. (open), 5-4-81

ENVIRONMENTAL PROTECTION AGENCY

- 22259 4-16-81 / Science Advisory Board, Ecology Committee, Task Group on Marine Ecosystem Monitoring, Washington, D.C. (open), 5-4 through 5-6-81

FEDERAL COMMUNICATIONS COMMISSION

- 22653 4-20-81 / Radio Technical Commission for Marine Services, Washington, D.C. (open), 5-4-81

HANDICAPPED NATIONAL COUNCIL

- 21309 4-9-81 / Meeting of the Council, Washington, D.C. (open), 5-4 through 5-6-81

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration—

- 21824 4-14-81 / Anesthetic and Life Support Drugs Advisory Committee, Rockville, Md. (open), 5-4-81
- 21826 4-14-81 / Consumer Exchange Meeting, Brooklyn, N.Y. (open), 5-4-81
- 21824 4-14-81 / Fertility and Maternal Health Drugs Advisory Committee, Rockville, Md. (open), 5-7 and 5-8-81
- 21824 4-14-81 / Gastrointestinal Drugs Advisory Committee, Bethesda, Md. (open), 5-4 and 5-5-81
- 21823 4-14-81 / Immunology Section of the Immunology and Microbiology Device Panel, Silver Spring, Md. (open), 5-7 and 5-8-81
- 21824 4-14-81 / Microbiology Device Section of the Immunology and Microbiology Devices Panel, Silver Spring, Md. (open), 5-4-81

Health Resources Administration—

- 22042 4-15-81 / Health Planning and Development National Council, Washington, D.C. (open), 5-8-81
- 22041 4-15-81 / Health Planning and Development National Council, National Guidelines and Technology Subcommittee, Washington, D.C. (open), 5-7-81
- 22042 4-15-81 / Health Planning and Development National Council, Implementation and Administration Subcommittee, Washington, D.C. (open), 5-2-81

National Institutes of Health—

- 18070 3-23-81 / Allergy and Infectious Diseases Institute, Scientific Counselors Board, Bethesda, Md. (partially open), 5-6 through 5-8-81
- 21448 4-10-81 / Arteriosclerosis, Hypertension and Lipid Metabolism Advisory Committee, Bethesda, Md. (open), 5-7 and 5-8-81

- 15778 3-9-81 / Heart, Lung, and Blood Institute; Scientific Counselors Board, Bethesda, Md. (partially open), 5-4 and 5-5-81

- 18070 3-23-81 / Pulmonary Diseases Advisory Committee, Detroit, Mich. (open), 5-9-81

INTERIOR DEPARTMENT

Land Management Bureau—

- 20783 4-7-81 / Carson City District Advisory Council, Hawthorne, Nevada (open), 5-7-81
- 18794 3-26-81 / Coal gasification facility proposed by Emery Synfuels Associates; environmental impact: Salt Lake City, Utah, 5-4-81; Price, Utah, 5-5-81, Castledale, Utah, 5-6-81, Green River, Utah, 5-7-81 (all sessions open)
- 21094 4-8-81 / Idaho Stateline inventory, Twin Falls, Idaho (open), 5-8-81
- 22270 4-16-81 / Iditarod Trail Advisory Council, Anchorage, Alaska (open), 5-7 and 5-8-81
- 22270 4-16-81 / Las Vegas District Multiple Use Advisory Council, Las Vegas, Nev., 5-9-81
- 20785 4-7-81 / Salmon District Grazing Advisory Board, Salmon, Idaho (closed), 5-7-81
- 19997 4-2-81 / Shoshone Management Framework Plan Amendment and Environmental Impact Statement, Gooding, Idaho (open), 5-5-81
- 18799 3-26-81 / Winnemucca District Grazing Advisory Board, Winnemucca, Nev. (open), 5-5-81
- National Park Service—
- 22660 4-20-81 / Boston National Historical Park Advisory Commission, Boston, Mass. (open), 5-5-81
- 22661 4-20-81 / San Antonio Missions Advisory Commission, San Antonio, Tex. (open), 5-9-81
- 21096 4-8-81 / Sleeping Bear Dunes National Lakeshore Advisory Commission, Cedar, Mich. (open), 5-8-81
- LABOR DEPARTMENT**
- Labor Statistics Bureau—
- 22502 4-17-81 / Business Research Advisory Council, Washington, D.C. (open), 5-6-81
- 22502 4-17-81 / Business Research Advisory Council, Price Indexes and Wages and Industrial Relations, Washington, D.C. (open), 5-5-81
- Occupational Safety and Health Administration—
- 21368 4-10-81 / Conveyor standards, Washington, D.C. (open), 5-5 through 5-7-81
- NATIONAL AERONAUTICAL AND SPACE ADMINISTRATION**
- 22507 4-17-81 / NASA Advisory Council, Aeronautics Advisory Committee, Informal Advisory Subcommittee on Aerodynamics, Washington, D.C. (open), 5-5 and 5-6-81
- NATIONAL SCIENCE FOUNDATION**
- 21867 4-14-81 / Behavioral and Neural Sciences Advisory Committee, Anthropology (Social and Cultural) Subcommittee, Washington, D.C. (closed), 5-7 and 5-8-81
- 22507 4-17-81 / Behavioral and Neural Sciences Advisory Committee, Psychobiology Subcommittee, Washington, D.C. (partially open), 5-7 through 5-9-81
- 22507 4-17-81 / NSF Advisory Council, Washington, D.C. (open), 5-7 and 5-8-81
- 22508 4-17-81 / Advisory Council, task group No. 15, Washington, D.C. (open), 5-6-81
- 21866 4-14-81 / Physiology Cellular, and Molecular Biology Advisory Committee, Washington, D.C. (closed), 5-6, 5-7, and 5-8-81

- 22997 4-22-81 / Social and Economic Science Advisory Committee, Measurement Methods and Data Resources Subcommittee, Washington, D.C. (partially open), 5-7 through 5-9-81

NUCLEAR REGULATORY COMMISSION

- 17173 3-17-81 / Meteorological Factors of Emergency Preparedness; Nuclear Power Reactors; Functional Criteria for Emergency Response Facilities (closed)

May 5, 1981; Philadelphia, Penn.

May 6, 1981; Ellyn, Ill.

May 8, 1981; Atlanta, Ga.

- 22840 4-21-81 / Reactor Safeguards Advisory Committee, Babcock and Wilcox Water Reactors Subcommittee, Washington, D.C. (partially open), 5-6-81
- 22703 4-20-81 / Reactor Safeguards Advisory Committee, Decay Heat Removal Systems Subcommittee, Washington, D.C. (open), 5-5-81
- 22703 4-20-81 / Reactor Safeguards Advisory Committee, Reactor Fuels and Emergency Core Cooling Systems Subcommittee, Washington, D.C. (partially open), 5-5-81
- 22840 4-21-81 / Reactor Safeguards Advisory Committee, Safety Philosophy, Technology and Criteria Subcommittee, Washington, D.C. (partially open), 5-6-81

STATE DEPARTMENT

Office of the Secretary—

- 22711 4-20-81 / Oceans and International Environmental and Scientific Affairs Advisory Committee, General Panel, Washington, D.C. (open), 5-8-81
- 22711 4-20-81 / Shipping Coordinating Committee, Safety of Life at Sea Subcommittee, Subdivision, Stability and Load Lines Working Group, Washington, D.C. (open), 5-5-81

TRANSPORTATION DEPARTMENT

Federal Aviation Administration—

- 22299 4-16-81 / Radio Technical Commission for Aeronautics, Washington, D.C. (open), 5-8-81
- 22299 4-16-81 / Radio Technical Commission for Aeronautics, Special Committee 146 on Airborne Automatic Direction Finding Equipment, Washington, D.C. (open), 5-6 and 5-7-81
- 7123 1-22-81 / Safety Standards International Harmonization; Group of Rapporteurs is on Safety Provisions, Rome, Italy; 5-5 through 5-8-81

VETERANS ADMINISTRATION

- 22730 4-20-81 / Educational Allowances Station Committee, Atlanta, Ga. (open), 5-5-81
- 20022 4-2-81 / Health-related effects of herbicides, Washington, D.C. (open), 5-5-81
- 16774 3-13-81 / Medical Research Service, Merit Review Boards; Hematology, Washington, D.C.; 5-4-81; Infectious Diseases, Washington, D.C., 5-5 and 5-6-81; Cardiovascular studies, 5-7-81 (all meetings partially open)

Next Week's Public Hearings

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration—

- 18448 3-24-81 / Deep seabed mining regulations for exploration licenses, Washington, D.C., 5-8-81
- 22011 4-15-81 / New England Fishery Management Council, Wildwood Crest, N.J., 5-5-81; Norfolk, Va., 5-6-81; Manteo, N.C., 5-7-81

DEFENSE DEPARTMENT

Navy Department—

- 19969 4-2-81 / Naval Discharge Review Board, Minneapolis, Minn. and Chicago, Ill., 5-3 through 5-8-81

EDUCATION DEPARTMENT

- 22257 4-16-81 / National Advisory Council on Indian Education, Anchorage, Alaska, 5-4-81

ENERGY DEPARTMENT

Federal Energy Regulatory Commission—

- 16903 3-18-81 / Interstate pipeline blanket certificates; Washington, D.C., 5-4-81

ENVIRONMENTAL PROTECTION AGENCY

- 1165 1-5-81 / Air pollutants, hazardous; national omission standards for benzene fugitive emissions; Research Triangle Park, N.C.; 5-5-81

[Rescheduled at 46 FR 9660, 1-29-81]

- 15205 3-4-81 / Federal radiation protection guidance for occupational exposures; Chicago, Ill., 5-5 and 5-6-81; San Francisco, Calif., 5-8 and 5-9-81

INTERIOR DEPARTMENT

Land Management Bureau—

- 20605 4-6-81 / Big Desert Grazing Draft Environmental Impact Statement, Idaho Falls, Idaho, 5-5-81
- 18792 3-26-81 / Federal coal production goals for the Fort Union Coal Production Region, Miles City, Mont., 5-6-81
- 18603 3-25-81 / Outer Continental Shelf, Gulf of Mexico, proposed Oil and Gas Lease Sales No. 67 and 69, New Orleans, La., 5-5-81

INTERNATIONAL TRADE COMMISSION

- 22920 4-22-81 / Certain large video matrix display systems and components thereof, Washington, D.C., 5-8-81

- 9264 1-29-81 / Menthol from People's Republic of China, Washington, D.C., 5-5-81

[Rescheduled at 46 FR 17314, 3-18-81]

NATIONAL TRANSPORTATION SAFETY BOARD

- 21285 4-9-81 / D & J Transportation Co. commuter bus accident, Washington, D.C., 5-4-81

TREASURY DEPARTMENT

Internal Revenue Service—

- 15892 3-10-81 / State and local government deferred compensation plans, Washington, D.C., 5-5-81

List of Public Laws

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of Public Laws.

Last Listing April 17, 1981; last cumulative listing for the 96th Congress (1980), January 7, 1981.

Documents Relating to Federal Grant Programs

This is a list of documents relating to Federal grant programs which were published in the Federal Register during the previous week.

DEADLINES FOR COMMENTS ON PROPOSED RULES

- 23273 4-24-81 / HHS/Secy—Public and medical assistance; time limits for States to file claims, comments by 6-23-81

APPLICATIONS DEADLINES

- 22790 4-21-81 / ED—Cooperative Education Program; Application notice for new applications for fiscal year 1981; apply by 5-22-81
- 23106 4-23-81 / ED—New projects under Special Services for Disadvantaged Students, Talent Search and Upward Bound programs; apply by 6-11-81

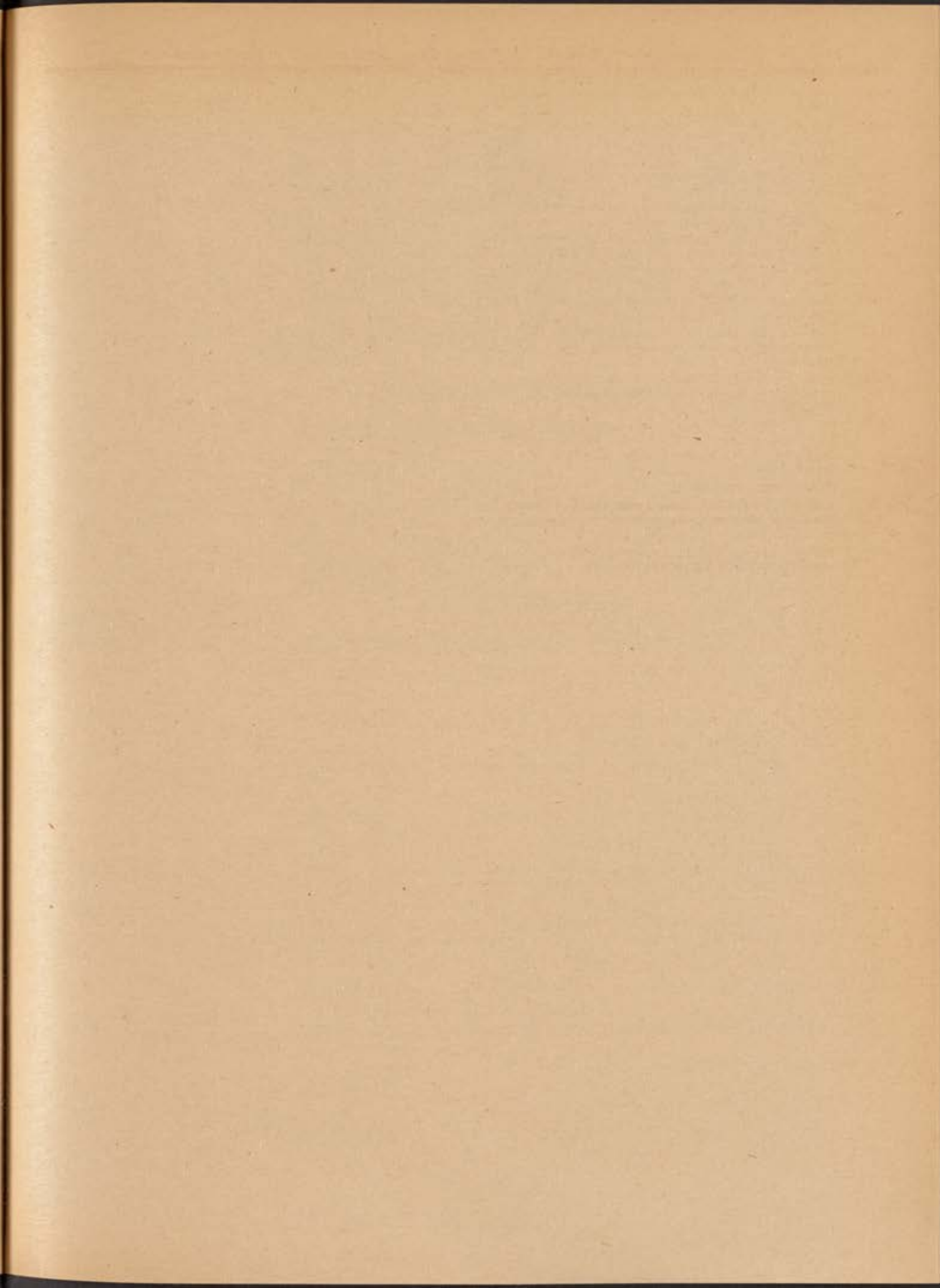
- 22656 4-20-81 / HHS/HSA—Financial distress grants; apply by 5-29-81
- 23305 4-24-81 / HHS/HDSO—Model Projects on Aging Program; apply by 7-10-81

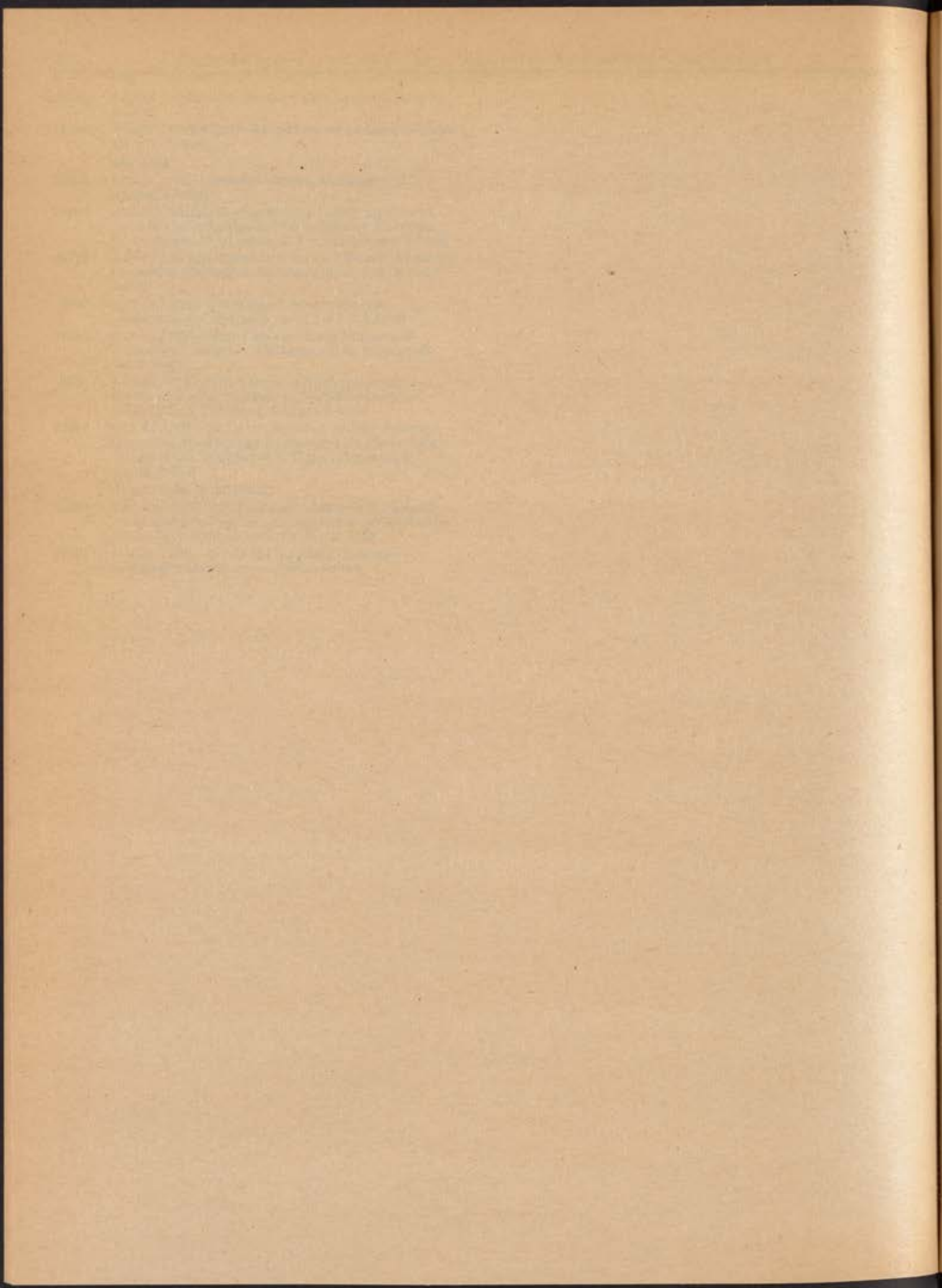
MEETINGS

- 23039 4-22-81 / FCC—Sunshine Meeting, Washington, D.C. (closed), 4-23-81
- 22991 4-22-81 / HHS/PHS—Health Care Technology Council, National Center for Health Care Technology, Coverage Subcommittee, Washington, D.C. (partially open), 5-14-81
- 22702 4-20-81 / NFAH—Humanities National Council Advisory Committee, Washington, D.C. (partially closed), 5-7 and 5-8-81
- 22997 4-22-81 / NFAH—National Council on the Arts, Washington, D.C. (partially open), 5-9 and 5-10-81
- 23354 4-24-81 / NSF—Equal Opportunities in Science and Technology Committee, Washington, D.C., (open), 5-27 and 5-28-81
- 22838 4-21-81 / NSF—Ocean Sciences Advisory Committee, Review of Sea-Air Exchange ad hoc Subcommittee, Washington, D.C. (closed), 5-11 and 5-12-81
- 22997 4-22-81 / NSF—Social and Economic Science Advisory Committee, Measurement Methods and Data Resources Subcommittee, Washington, D.C. (partially open), 5-7 through 5-9-81

OTHER ITEMS OF INTEREST

- 22921 4-22-81 / HHS/HDSO—Federal allotments to States for Fiscal Year 1981 Personnel training and retraining directly related to Title XX; revised; effective 10-1-80
- 22996 4-22-81 / LSC—Grants and Contracts; California; Soliciting comments and recommendations





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